

# **Exhibit 37**

THE  
STATUTES OF CALIFORNIA  
AND  
AMENDMENTS TO THE CODES,  
PASSED AT THE  
TWENTY-FIFTH SESSION OF THE LEGISLATURE,  
1883.

BEGAN ON MONDAY, JANUARY EIGHTH, AND ENDED ON TUESDAY, MARCH  
THIRTEENTH, EIGHTEEN HUNDRED AND EIGHTY-THREE.



SACRAMENTO:  
STATE OFFICE . . . JAMES J. AYERS, SUPT. STATE PRINTING.  
1883.

law to be elected in corporations of the class to which such new corporation shall belong, which election shall be held within six months thereafter. Such election shall be called and conducted in all respects in the manner prescribed or that may hereafter be prescribed by law for municipal elections in corporations of such class, and shall be canvassed by the legislative body so calling the same, who shall immediately declare the result thereof, and cause the same to be entered upon their journal. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation under the name and style of the City and County (or City, or Town, as the case may be), of ——— (naming it), with the powers conferred or that may hereafter be conferred by law upon municipal corporations of the class to which the same shall so belong; and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices, respectively, only until the next general municipal election to be held in such city and county, city, or town, and until their successors are elected and qualified. All the provisions of sections five and six of this Act shall apply to such corporation and to the officers thereof; *provided*, that no property within either of the former corporations so consolidated, shall ever be taxed to pay any portion of any indebtedness of either of the other of such former corporations contracted prior to or existing at the date of such consolidation.

Manner of conducting the election.

## CHAPTER II.

### MUNICIPAL CORPORATIONS OF THE FIRST CLASS.

(Cities having a population of more than 100,000.)

#### ARTICLE I.

##### GENERAL POWERS.

SEC. 19. Every municipal corporation of the first class shall be entitled the City and County of ———, or the City of ——— (naming it), as the case may be, and by such name shall have perpetual succession, may sue and be sued in all Courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit.

First class.

#### ARTICLE II.

##### GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 20. There shall be elected by the qualified voters of such city, or city and county, at the general State election, to be held on the first Tuesday after the first Monday of the month of November in each even numbered year, the following officers, viz.: A Mayor, Sheriff, Auditor, Tax Collector, Treasurer, County Clerk, Recorder, District Attorney, City,

Names, number, and terms of officers.

or City and County, Attorney, Coroner, Surveyor, Superintendent of Streets, twelve School Directors, six Justices of the Peace, Public Administrator, and two Police Judges, who shall hold office for two years. The terms of such officers shall commence on the first Monday after the first day of January next following their election. Also, twelve Aldermen, in the manner, and who shall hold office as provided in section forty-one of this chapter, and twelve Assistant Aldermen, who shall hold office as provided in section forty-three of this chapter.

What offices  
kept open.

SEC. 21. The Mayor, Sheriff, County Clerk, County Recorder, Treasurer, District Attorney, Auditor, Tax Collector, Assessor, City, or City and County, Attorney, Superintendent of Streets, and Surveyor, shall keep public offices, which shall be kept open for the transaction of business every day in the year except Sundays, Christmas, New Year's, Fourth of July, Thanksgiving, the twenty-second of February, and on any days during which a general election shall be held, between the hours of nine o'clock A. M. and five o'clock P. M.

Manner of  
filling  
vacancies.

SEC. 22. Whenever vacancies occur in any of the elective offices of such city, or city and county, and provision is not otherwise made in this or some other Act for filling the same, the Mayor shall appoint, subject to the confirmation of the Board of Aldermen, a person to discharge the duties of such office until the next election, when the vacancy shall be filled by election for the unexpired term. All persons so appointed shall, before entering upon their duties, take the oath of office, and give bonds as required by law.

What fees  
paid out of  
treasury.

SEC. 23. No fees or compensation to be paid out of the treasury, other than those expressly allowed in this chapter, shall be allowed or received by any officer of such city, or city and county, or of any district, or other subdivision thereof; nor shall any allowance or provision be made for them, or any of them, at the public expense, beyond the fixed compensation herein provided under the name of office rent, fuel, lights, stationery, contingencies, extra services, or otherwise, except the compensation or percentage allowed to the Tax Collector and to the Assessor in the collection of poll taxes, and except that the necessary and proper books, stationery, and official blanks may, at the discretion of the Municipal Council, be purchased and supplied for all the Courts of such city, or city and county, its officers, Municipal Council, and other Boards, and officers, the expense whereof, when the amount in each particular case shall have been previously authorized and fixed by the Municipal Council, may be paid out of the General Fund, upon demand upon the treasury duly audited, as in this chapter provided.

Bonds, how  
given.

SEC. 24. All officers of such city, or city and county, must, before they can enter upon their official duties, give a bond as required by law. The bonds and sureties of such officers must be approved by the President of the Board of Aldermen, Auditor, and a Judge of the Superior Court, in and for such city and county, or in and for the county in which such city may be situated. When the amount of such official bond is not fixed by law, it shall be fixed by the Municipal

Council. No banker, residing or doing business in such city, or city and county, nor any such banker's partner, clerk, employé, agent, attorney, father, or brother, shall be received as surety for the Treasurer, Mayor, Sheriff, Auditor, or any officer having the collection, custody, or disbursement of money. No person can be admitted as surety on any such bond, unless he be worth, in fixed property, including mortgages, situated in such city, or city and county, the amount of his undertaking over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser, or security, or whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, certain or contingent, due or to become due. All persons offered as sureties on official bonds must be examined on oath touching their qualifications. The official bond of the Auditor shall be filed and kept in the office of the Clerk of such city, or city and county. All other official bonds shall be filed and kept in the office of the Auditor; *provided*, that the bonds and sureties of the Mayor must be approved by the Chairman of the House of Assistant Aldermen, Auditor, and a Judge of the Superior Court in and for such city and county, or in and for the county in which such city may be situated; and that the bonds and sureties of the Auditor must be approved by the President of the Board of Aldermen, the Chairman of the House of Assistant Aldermen, and a Judge of the Superior Court in and for such city and county, or in and for the county in which such city may be situated.

Disqualifi-  
cations of  
sureties.

Bonds, by  
whom  
approved.

SEC. 25. The compensation or salary of any officer provided for in this chapter shall not be increased or reduced after his election or during his term of office.

Compensa-  
tion.

SEC. 26. The salaries of the officers, clerks, deputies, or employés of such city and county, except as otherwise in this chapter provided, shall be as follows, and payable in monthly installments at the end of each and every month, viz.:

*First*—The salary of the Mayor shall be four thousand dollars per annum; he may appoint a clerk, to be known as the Mayor's Clerk, whose salary shall be one thousand eight hundred dollars per annum.

Mayor and  
Clerk.

*Second*—The salary of the Sheriff shall be six thousand dollars per annum; he may appoint one Under Sheriff, whose salary shall be two thousand four hundred dollars per annum; one bookkeeper, whose salary shall be two thousand four hundred dollars per annum; he may appoint twenty-five deputies, each of whom shall receive a salary of one thousand six hundred dollars per annum, one of which said deputies shall be assigned to and perform the duties of assistant bookkeeper; sixteen deputies, whose salaries shall be one thousand five hundred dollars per annum; one counsel, who shall be an attorney of the Supreme Court of the State, whose salary shall be one thousand eight hundred dollars per annum; one matron, whose salary shall be nine hundred dollars per annum; one driver of prison wagon, whose salary shall be nine hundred dollars per annum.

Sheriff,  
deputies,  
attorney, etc.

*Third*—The salary of the Auditor shall be four thousand

**Auditor and deputies.** dollars per annum; he may appoint one deputy, whose salary shall be twenty-four hundred dollars per annum, and two clerks, at a salary of one thousand six hundred dollars per annum each.

**Treasurer and deputies.** *Fourth*—The salary of the Treasurer shall be four thousand dollars per annum; he may appoint one chief deputy, whose salary shall be twenty-four hundred dollars per annum, and one deputy, whose salary shall be two thousand one hundred dollars per annum.

**Tax Collector, deputies, etc.** *Fifth*—The salary of the Tax Collector shall be four thousand dollars per annum; he may appoint one chief deputy, one cashier, each of whom shall receive a salary of two thousand dollars per annum, and ten permanent deputies, whose salary shall be one thousand six hundred dollars per annum each.

**Assessor, deputies, etc.** *Sixth*—The salary of the Assessor shall be four thousand dollars per annum; he may appoint one chief office deputy, one chief field deputy, and one head draughtsman, each of whom shall receive a salary of two thousand dollars per annum; an assistant draughtsman, who shall receive a salary of eighteen hundred dollars per annum; and eleven office deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum. He may also appoint such additional deputies as may be allowed by the Municipal Council, at salaries not to exceed five dollars per day each, for such time as they may be employed.

**Recorder, deputies, etc.** *Seventh*—The salary of the Recorder shall be three thousand dollars per annum; he may appoint one chief deputy, whose salary shall be twenty-four hundred dollars per annum, and two deputies, each of whom shall receive a salary of one thousand eight hundred dollars per annum; also, two porters, who shall perform the duties of watchmen; each of whom shall receive a salary of nine hundred dollars per annum.

**County Clerk, deputies, etc.** *Eighth*—The salary of the County Clerk shall be four thousand dollars per annum; he may appoint deputies as follows: one chief deputy, whose salary shall be two thousand four hundred dollars per annum; twelve Court-room clerks, twelve registry clerks, each of whom shall receive a salary of eighteen hundred dollars per annum; twelve assistant registry clerks, each of whom shall receive a salary of one thousand five hundred dollars per annum; and twelve copyists, each of whom shall receive a salary of one thousand six hundred dollars per annum; and such County Clerk, when the exigencies of his office shall require, may, in his discretion, employ such additional copyists as shall be necessary, at a compensation not to exceed three dollars per day for the days of actual service; *provided*, said number shall not exceed at any one time three copyists for each Judge of the Superior Court, to be paid from the treasury in the same manner as the salaries herein provided for are to be paid.

**District Attorney, assistants, etc.** *Ninth*—The salary of the District Attorney shall be five thousand dollars per annum; he may appoint two assistants, who shall be attorneys of the Supreme Court of this

State, each of whom shall receive a salary of twenty-four hundred dollars per annum, and two clerks, who shall be attorneys of the Supreme Court of the State, each of whom shall receive a salary of fifteen hundred dollars per annum.

*Tenth*—The salary of the City, or City and County, Attorney, shall be four thousand dollars per annum; he may appoint two assistants, who shall be attorneys of the Supreme Court of this State, each of whom shall receive a salary of twenty-four hundred dollars per annum; and one copyist, who shall receive a salary of nine hundred dollars per annum.

City and  
County At-  
torney and  
assistants.

*Eleventh*—The salary of the Coroner shall be three thousand dollars per annum; he may appoint two deputies, one to act as first deputy, whose salary shall be one thousand six hundred dollars per annum, the other to act as second deputy, and whose salary shall be one thousand five hundred dollars per annum; and one messenger, to take charge of the dead wagon, and perform such other duties as are required by the Coroner or his deputies. The salary of the messenger shall be nine hundred dollars per annum.

Coroner and  
deputies.

*Twelfth*—The salary of Superintendent of Streets shall be four thousand dollars per annum; he may appoint twenty deputies; three of said deputies shall receive a salary of two hundred dollars per month each, and seven of said deputies shall receive a salary of one hundred and fifty dollars per month each, and ten of said deputies shall receive a salary of one hundred and twenty-five dollars per month each.

Superin-  
tendent of  
Streets and  
deputies.

*Thirteenth*—The salary of the City, or City and County, Surveyor, shall be four thousand dollars per annum; he may appoint as many deputies, not to exceed four, as the Municipal Council shall from time to time determine are necessary, who shall receive such compensation as such Municipal Council shall provide, not to exceed the sum of five dollars per day when actually employed.

Surveyor.

*Fourteenth*—The salary of the Superintendent of Schools shall be three thousand dollars per annum.

Superin-  
tendent of  
Schools.

*Fifteenth*—The salary of each of the Police Judges shall be four thousand dollars per annum.

Police  
Judge.

*Sixteenth*—The salary of the Prosecuting Attorney of the Police Court shall be twenty-four hundred dollars per annum; and his two assistants shall each receive a salary of one thousand five hundred dollars per annum.

Prosecuting  
Attorney.

*Seventeenth*—The salary of the Presiding Justice of the Justices' Court shall be three thousand dollars per annum; and each of the other Justices of the Peace shall receive a salary of two thousand four hundred dollars per annum.

Justices of  
the Peace.

*Eighteenth*—The salary of the Clerk of the Justices' Court shall be two thousand four hundred dollars per annum; his two deputies shall receive a salary of one thousand two hundred dollars per annum.

Clerk of Jus-  
tices Court.

*Nineteenth*—The salary of the Collector of Licenses shall be three thousand dollars per annum. He may appoint one chief deputy, who shall receive one thousand eight hundred dollars per annum, and twelve deputies, who shall

Collector of  
Licenses.

receive a salary of one thousand five hundred dollars per annum each.

Officers not  
to be inter-  
ested in  
contracts,  
etc.

SEC. 27. Any officer or Commissioner of such city, or city and county, or any officer or member of any House, Board, or department of the government thereof, who shall be directly or indirectly interested in, or a beneficiary or participant of the profits of any contract made with or for such city, or city and county, or any Board or department thereof, or who shall participate in the profits made by any person or persons upon services, labor, purchases, sales, subsistence, supplies, materials, or any article or thing furnished to or done for such city, or city and county, or any institution, public work, or branch, or department of the government thereof, or sold by the same, which contract, profit, purchase, sale, or supply is made, or could have been made, influenced, or brought about through or by means of the official action or conduct of such officer, Commissioner, or member of such Board, except the official salary or compensation of such officer, Commissioner, or member of such Board or department provided expressly by law, shall be deemed guilty of a felony, and, on conviction by any Court of competent jurisdiction, punished accordingly. Any Commissioner, officer, clerk, or other person having custody of or access to any bids or proposals, whether sealed or otherwise, for supplying or furnishing any goods, provisions, subsistence, labor, material, printing, or other thing of any nature, or constructing, cleaning, repairing any work or thing, or doing or furnishing anything whatsoever to such city and county, or any department, Board, Commissioner, or officer thereof, who shall open or examine into any one or more of such bids or proposals, or change, interline, alter, or otherwise tamper with the same, or shall purposely find out the contents thereof, or who shall aid, abet, assist, or permit another so to do before or in advance of the time prescribed by law for the opening thereof, or any lawful postponement of such time, shall be deemed guilty of a felony, and, on conviction by any Court of competent jurisdiction, shall be punished accordingly.

Punalty.

Questions of  
difference,  
how settled.

SEC. 28. All questions of differences between the officers of such city, or city and county, as to their relative duties, may be referred by either of them to the City, or City and County, Attorney, who shall examine and determine such questions, and his decision shall be final as between such officers.

Reports of  
officers.

SEC. 29. The following officers, and the heads of the following departments of such city, or city and county, shall report to the Municipal Council on or before the first day of August of each year, the condition of their respective departments during the fiscal year ending June thirtieth, previous thereto, embracing all their operations and expenditures: Auditor, Assessor, Tax Collector, County Clerk, Superintendent of Streets, Fire Department, Hospital, Alms-house, Park Commissioners, Treasurer, Sheriff, County Recorder, City, or City and County, Surveyor, License Collector, Public Schools, Fire Alarm and Police Telegraph, Poundkeeper, Board of

Health, City, or City and County, Attorney, Industrial School, Police, Coroner, Health Officer, Justices' Court, City Hall Commissioners, Home for the Care of the Inebriate, Board of Election Directors, Commissioner of Elections, House of Correction, City Cemetery, Free Public Library, and the Building Committee of the Municipal Council. Immediately after the first Monday in February, the Mayor and Municipal Council shall make up and publish an extract from these several reports, and other sources, of the operations, expenditures, and condition of all departments of government of such city, or city and county.

## ARTICLE II.

## LEGISLATIVE DEPARTMENT.

SEC. 40. The legislative power of such city, or city and county, shall be vested in a body to be styled the "Municipal Council," which shall be composed of two Boards or Houses of legislation, one to be called the "Board of Aldermen," and the other the "House of Assistant Aldermen."

Legislative power, how vested.

SEC. 41. The Board of Aldermen shall consist of twelve persons, to be elected by general ticket, from the city, or city and county, at large, the members of which shall hold office for the term of four years, to commence on the first Monday after the first day of January next following their election, except that of the Aldermen, who are elected at the first election under this chapter; the six receiving the smallest number of votes shall hold their office for two years only; so that thereafter only six shall be elected every two years. In case of a tie vote at such first election, the question of which Alderman shall hold the full and which the short term shall be determined between the candidates so tied by lot. The Aldermen shall receive each a salary of twelve hundred dollars a year, payable in monthly installments, out of the General Fund.

Board of Aldermen, how elected.

SEC. 42. The Board of Aldermen shall appoint a Secretary, with a salary not to exceed two hundred dollars a month, who shall keep the records of said Board. He shall hold office during the pleasure of the Board. He shall have power to administer oaths and affirmations in all cases, and to certify and authenticate copies of all records, papers, and documents in his official custody, and shall perform any other services required by the Board.

Secretary.

SEC. 43. The House of Assistant Aldermen shall consist of twelve persons, to be elected every two years, one each by the qualified electors of the respective wards, into twelve of which such city, or city and county, shall be divided for such purpose. The Assistant Aldermen shall hold office for the term of two years, to commence on the first Monday after the first day of January next following their election, and shall receive each a salary of twelve hundred dollars a year, payable monthly out of the General Fund.

Assistant Aldermen.

SEC. 44. The House of Assistant Aldermen may appoint a clerk, who shall keep their records and hold office during their pleasure. He shall have a salary not to exceed two

Salary of Clerk.

hundred dollars a month; shall have power to administer oaths and affirmations, and to certify and authenticate all records, documents, and papers in his official custody. He shall perform any other service required of him by the House.

Vacancy,  
how filled.

SEC. 45. Any vacancy occurring in either Board shall be filled by the Mayor; and the person appointed to fill such vacancy shall hold office till the next election by the people, and until his successor is qualified.

Qualifica-  
tion.

SEC. 46. Every member of the Board of Aldermen shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States and of this State, and a resident of such city, or city and county, for three years next before his election or appointment.

qualifica-  
tion.

SEC. 47. Every member of the House of Assistant Aldermen shall be a qualified voter, at least twenty-five years of age, shall have been a citizen of the United States and of this State, and a resident of such city, or city and county, at least two years, and of the ward from which he is elected or appointed at least one year next before his election or appointment.

Qualifica-  
tion.

SEC. 48. Every member of either branch of the Municipal Council shall, at all times during his incumbency of said office, possess the following qualifications: He shall not be directly or indirectly interested in any contract with such city, or city and county, or any department or institution thereof. He shall not have been convicted of malfeasance in office, bribery, or other corrupt practices or crimes. Any member who fails to possess, or who shall at any time during his term of office cease to possess, any of the qualifications mentioned in this Act as a qualification, shall thereby forfeit his seat in the Board or House to which he belongs, and the vacancy shall be filled as in other cases. If any member of either branch absent himself from the State, or neglect to attend the meeting of the Board or House to which he belongs, for a period of thirty days, his office shall be declared vacant by said Board, and a successor must be appointed, to hold till the next election by the people, as provided in other cases.

Rules of  
Houses of  
Aldermen.

SEC. 49. Each Board or House shall elect its own officers, except as to the presiding officer of the Board of Aldermen. The Mayor shall preside at all the sessions of the Board of Aldermen without the right to vote. In his absence, during any session, the Board shall appoint one of its members as President pro tempore, who shall, however, have the same right to vote as other members. Each House shall be the judge of the election returns and qualifications of its own members, and may determine the rules of its own proceedings, except as herein provided. Each House shall keep a record of its acts, and allow the same to be published, and the yeas and nays on any question shall, at the request of any member, be entered on the Journal of the House; may arrest and punish by fine, not exceeding five hundred dollars, or imprisonment as provided by ordinance, not exceeding thirty days, or both, any person not a member who shall be guilty

of disrespect to the Board or House by disorderly or contemptuous behavior in its presence during its session; may punish its members for disorderly conduct, and, with the concurrence of two thirds of all the members elect, may expel a member.

SEC. 50. The House of Assistant Aldermen shall elect <sup>Quorum.</sup> one of their own number presiding officer of said House, who shall be designated as the "Chairman" thereof. A majority of the members of either House shall constitute a quorum to do business; and no regulation, resolution, ordinance, or order of either House can pass without the concurrence of a majority of all the members elected or appointed to such House; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the House or Board may provide.

SEC. 51. All sessions, acts, and resolutions of each House shall be public. Neither House shall, without the consent <sup>Sessions shall be public.</sup> of the other, adjourn for more than seven days at any one time, nor to any other place than that in which the two Houses may be sitting.

SEC. 52. No member of the Municipal Council shall, during the time for which he is elected, be eligible or appointed to any other office under the city, or city and county, except such offices as may be filled by election by the people; nor shall any member, while such, be an employé of such city, or city and county, or any Board or department thereof, or of either branch of the Municipal Council, in any capacity whatever; and no compensation shall be audited or paid for services as such officer or employé; and no act, ordinance, or resolutions shall ever be passed whereby any member of either House shall become the disbursing officer of such city, or city and county, or any Board or department thereof, or pay out any of its money upon any pretense whatever. <sup>Not eligible to any other office.</sup>

SEC. 53. No member of the Municipal Council, or of the Board of Education, or any officer of such city, or city and county, or of any ward thereof, shall have any power to contract any debt or liability whatsoever against such city, or city and county, nor shall the people, or taxpayers, or any property therein, ever be liable to be assessed for, or on account of any debt or liability hereafter contracted, or attempted to be contracted, in contravention of this chapter. <sup>Limitations on contracts.</sup>

SEC. 54. The Municipal Council shall appoint a joint committee of five, three from the Board of Aldermen, and two from the House of Assistant Aldermen, to be denominated the "Finance Committee," which committee may, at any time, and shall, whenever required by the Municipal Council, or either branch thereof, investigate the transactions and accounts of any and all officers appertaining to the government of such city, or city and county, having the collection, custody, or disbursement of public money, or having the power to approve, allow, or audit demands on the Treasurer, and report thereon to the Municipal Council. Said committee shall have full power to send for all persons and papers, and enter into, examine, inquire, and investigate all offices <sup>Finance Committee.</sup>

and places, to administer oaths and affirmations, to examine witnesses, and compel their attendance by subpoena and attachment for contempt, and the production of records, books, and papers, and may imprison in the city or county jail any person refusing to appear or testify, as well as any officer or person failing or refusing obedience to the orders to show records, papers, or books, or to testify when required so to do. The Sheriff or any policeman of such city, or city and county, shall enforce all orders of said committee, and attend upon it in like manner as upon Courts of record. The Mayor may be present and participate in such investigations.

When  
Municipal  
Council  
shall meet.

SEC. 55. The Municipal Council shall meet on the first Monday after the first day of January, and on the first Mondays of April, July, and October, of each year, and at such other times as required by law, and may be specially convoked by the Mayor as herein provided.

Passage of  
ordinances.

SEC. 56. No ordinance shall be passed except by bill, and no bill shall be so amended in its passage as to change its original object. No bill shall contain more than one subject, which shall be expressed by its title. On the final passage of all bills the vote shall be by "yeas" and "nays" upon each bill, separately, and the names of the members voting for and against the same shall be entered on the Journal. Bills may originate in either House, and no bill shall be passed by either House except by a majority vote of all the members elected or appointed to either House.

Amend-  
ments, how  
concurrent in

SEC. 57. No amendments to bills by either House shall be concurred in by the other except by a vote of a majority of all the members elected or appointed thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the Journal thereof; and reports of committees of conference shall be adopted by either House only by the vote of a majority of all the members elected thereto, taken by "yeas" and "nays," and the names of those voting recorded upon the Journals.

Reenacting  
ordinances.

SEC. 58. No ordinance shall be revived, reenacted, or amended, by mere reference to its title, but such ordinance or section shall set forth at length, as if it revived, reenacted, or amended.

Reconsider-  
ation.

SEC. 59. When a bill is put upon its final passage in either House, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be taken up, and the subject finally disposed of at the next meeting of the Council, unless such House, by a two-third vote, decides to act upon such reconsideration at the same meeting.

Signing  
bills.

SEC. 60. No bill shall become an ordinance until the same shall have been signed by the presiding officer of each of the two Houses in open session, in authentication of its adoption by such House. In signing such bill for authentication, the presiding officer shall call the attention of the House to the bill, and that he is about to sign it, and if any member request, the bill shall be read at length for information as to its correctness as enrolled. If any member object that the bill is not the same in substance and form as when consid-

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ered and passed by the House, such objection shall be passed upon, and, if sustained, the presiding officer shall withhold his signature, and the bill shall then be corrected, and finally disposed of, and signed, before the House proceeds to any other business.

SEC. 61. No general appropriation Act, or authorization, shall ever be passed, but all appropriations shall be for the specific amount of the claim to be paid, and no more; and each ordinance or resolution, authorizing the payment of money, shall contain one claim only, which shall be expressed in the title. Every ordinance or resolution of the Municipal Council providing for any specific improvement, the granting of any privilege, or involving the lease or appropriation of public property, or the expenditures of public moneys, except for sums less than five hundred dollars, or levying tax, or assessment, and every ordinance or resolution imposing a new duty or penalty, shall, after its introduction in either House, be published, with the "yeas" and "nays," in the newspaper doing the city and county printing, at least five successive days before final action upon the same by the House in which it was introduced; and in case such ordinance or resolution shall be amended before final passage in said House, then the bill, as amended, shall be so published, in the same manner, before final action by such House thereon; and every such ordinance, after the same shall have passed both Houses, shall, before it takes effect, be presented to the Mayor for his approval. If he approves, he shall sign it; if not, he shall return it within ten days to the House in which the same originated, with his objections in writing. Said House shall then enter the objections on the journal, and publish them in the newspaper doing the city printing. At the next stated meeting thereafter said House shall proceed to reconsider such bill. If, after such reconsideration, it again passes both Houses by the votes of nine of the members elected or appointed to each House voting therefor, it shall become a law, notwithstanding the Mayor's objections. Should any such ordinance or resolution not be returned by the Mayor within ten days after he receives it, it shall become valid, the same as if it had received his signature. Where a claim against the treasury amounts to more than five hundred dollars, it shall not be lawful to divide or break up the same into several sums of less than that amount so as to evade the provisions of this section concerning claims; and any effort or attempt to accomplish such unlawful division, or breaking up a claim, shall be deemed, as to every member of the Municipal Council or other officer consenting thereto, or aiding the same, a misdemeanor in office, and be cause for his removal. All ordinances authorizing the payment of any money out of the treasury, or any claim thereon, shall be referred to the appropriate standing committee of the House where the bill is introduced, who shall present the same to the Auditor, in order that he may certify that there is sufficient money in the proper fund out of which such claim can lawfully be paid, and that such appropriation can be made without violating the provisions

Appropriation bills.

Publication.

Approval.

Reference to committee.

of this chapter; and until the Auditor certifies in writing, signed by his name, that there is sufficient money in the proper fund, and that the authorization can be made without violating the provisions of this chapter, no further proceedings shall be had with such bill. It shall be the duty of the Auditor, with reasonable promptness, to ascertain the facts, and to give the certificate when the facts warrant him in doing so, and not otherwise.

Powers.

SEC. 62. The powers of the Municipal Council, and all other Boards, Commissioners, and officers, are those specially named in this chapter, and they are prohibited from exercising any other.

Enacting clause.

SEC. 63. The enacting clause of ordinances shall be in the following terms: "The Municipal Council of the City and County of —, or City of —, (as the case may be), hereby ordains as follows."

Further powers.

SEC. 64. The Municipal Council shall further have power by regulation or ordinance:

Selling and leasing property.

*First*—To provide for the security, custody, and administration of all property of such city, or city and county, and to purchase land required for municipal purposes without any power to sell or incumber the same, or lease any part thereof for more than three years; except, however, that such personal property belonging to the fire, street, or other departments, as they deem unsuited to the uses and purposes for which the same was designed, or so much worn and dilapidated as not to be worth repairing, may be sold or exchanged.

Opening streets.

*Second*—To provide for cases omitted in this chapter, and in conformity with the principles adopted in it, for opening, altering, extending, constructing, repairing, or otherwise improving public streets and highways at the expense of the property benefited thereby, without any recourse in any event upon such city, or city and county, or the public treasury, for any portion of the expense of such work, or any delinquency of the property holders or owners.

Lighting streets.

*Third*—To provide for lighting the streets. But no contract for lighting streets or public buildings shall ever be made for more than one year in duration; nor shall any contract to pay more for gas or other illuminating material than is legally charged to ordinary consumers, or than the usual market rates, be valid.

To provide water.

*Fourth*—To provide water for all municipal purposes, and to pay for the same where lawful and necessary. In case water is supplied to such city, or city and county, for municipal purposes, any person, corporation, or association holding a valid franchise under the laws of this State to collect water rates for the use of water, then such city, or city and county, when it is lawful and necessary, shall pay the lawful rates, and no more, as established each year for water supplied for other than municipal purposes; and it shall not be lawful to make any special contract with such person, corporation, or association for water so as to vary from the rates fixed by law.

*Fifth*—To regulate market houses and market places.

*Sixth*—To provide for inclosing, improving, and regulating all public grounds of such city, or city and county.

*Seventh*—To prohibit the erection of wooden buildings or structures within any fixed limits where the streets have been established and graded, or ordered to be graded, or to restrict and limit the height of such buildings or structures; to regulate the sale, storage, and use of gunpowder, and to restrict the limits within which may be manufactured or kept giant powder, dynamite, nitro-glycerine, or other explosive or combustible materials and substances, and the maintenance of acid works; and make all useful regulations in relation to the manufacture, storage, and transportation of all such substances, and the maintenance of acid works, slaughter houses, brick burning, tanneries, and all other manufactures and works of every description that may jeopardize the public safety, and to exclude them from the city, or city and county, when necessary, or to restrict them, or any of them, to a district. To make all necessary regulations for protection against fire, as well as such rules and regulations concerning the erection and use of buildings as may be necessary for the safety of the inhabitants.

*Eighth*—To permit the laying down of railroad tracks and the running of cars thereon along any street, or portion of street, for the sole purpose of excavating and filling in a street, or a portion of a street, or adjoining lots, and for such limited time as may be necessary for the purpose aforesaid, and no longer.

*Ninth*—To determine the fines, forfeitures, and penalties that shall be incurred for the breach of regulations established by the said Municipal Council, and also for a violation of the provisions of this chapter, where no penalty is affixed thereto or provided by law; but no penalty to be imposed shall exceed the amount of one thousand dollars, or six months imprisonment, or both. And every violation of any lawful order or regulation, or ordinances of the Municipal Council, is hereby declared a misdemeanor or public offense, and all prosecutions for the same shall be in the name of the people of the State of California.

*Tenth*—To regulate and provide for the employment of prisoners sentenced to labor on the public works of such city, or city and county, and to maintain and regulate city, or city and county, jails and prisons, with manufacturing or other laboring establishments or appliances connected therewith.

*Eleventh*—To provide a suitable office and jury room, and dead house or morgue, with the furniture necessary to enable the Coroner to efficiently discharge the duties of his office, and to make the necessary appropriation therefor; and to audit and pay for the necessary expenses of maintaining the morgue and offices attached, such sum as may be necessary, not to exceed seventy-five dollars per month, out of the General Fund.

To regulate markets.  
Regulating public grounds.  
Establish fire limits, etc.

To permit laying down railroad tracks.

Fix penalties.

Employment of prisoners.

To provide certain offices.

Regulate  
Home of  
Inebriate.  
City prison.  
Improve  
cemeteries.

*Twelfth*—To maintain and regulate a Home of the Inebriate, in its discretion.

*Thirteenth*—To provide and maintain a city prison.

*Fourteenth*—To maintain and improve the city cemeteries, and to pay out of the General Fund a keeper thereof, to be appointed by the Board of Health, at a salary not to exceed one hundred dollars a month.

Grant  
licenses.

*Fifteenth*—To license and regulate hackney carriages and other public passenger vehicles; and to fix the rates to be charged for the transportation of persons, baggage, goods, merchandise, and property, or either thereon; and to license and regulate all vehicles used for the conveyance of merchandise, earth, and ballast, or either; and also to license and regulate persons and parties employed in conveying baggage, property, and merchandise, or either, to or from any of the wharves, slips, bulkheads, or railroad stations, within the limits of such city, or city and county; to fix and establish the amount of every license paid into the city, or city and county, treasury for city, or city and county, purposes; to provide for the summary removal and disposition of any or all vehicles found in the streets, highways, and public squares during certain hours of the day or night, to be designated by the Council; and in addition to all other remedies, to provide, by regulation, for the sale or other disposition of such vehicles; to protect the public from injury by runaways, by punishing persons who negligently leave horses or carriages in the street; to prescribe the width of the tires of all drays, trucks, and carts, in accordance with the weight to be carried thereby, for the preservation of the streets and highways.

Grant  
licenses.

*Sixteenth*—To regulate, license, and control the business of keeping intelligence offices, prescribe the method of conducting said business, and to enforce, by fines and penalties, the payment of the license, and any violation of the regulation touching said business. To license and regulate pawnbrokers and to enact regulations to protect the public in dealing with them.

Fix fees.

*Seventeenth*—To fix the fees and charges to be collected by the Surveyor of such city, or city and county, for certificates of surveys for buildings or other purposes, and to provide for a sufficient corps of deputy surveyors to perform such work, to be paid from such fees only; also to regulate the fees to be charged by the Superintendent of Streets, the County Recorder, and any and all other municipal officers where their fees are not otherwise fixed by law, and compel the payment of all such fees and charges into the city and county treasury into the proper fund, in accordance with the provisions of this Act.

Enforce col-  
lection of  
certain  
moneys.

*Eighteenth*—To license and regulate, for the purposes of city, or city and county, revenue, all such callings, trades, and employments as the public good may require to be licensed and regulated, and as are not prohibited by law; to provide for and enforce, with penalties or otherwise, the collection and due payment into the city, or city and county, treasury of all moneys so due or raised, and to make all needful rules

and regulations to govern the official conduct and duties of the Collector of Licenses.

*Nineteenth*—To provide and pay for the construction and repair of hydrants, fireplugs, cisterns, and pumps in the streets. Constructio  
of hydrants.

*Twentieth*—To allow and order paid out of the General Fund a sum not to exceed three thousand dollars in any year, for the celebration in such city, or city and county, of the anniversary of our National Independence. Pay for  
celebrating.

*Twenty-first*—To allow and order paid out of the General Fund for the election expenses of such city, or city and county, not to exceed forty dollars for each election precinct for each election in said city, or city and county. Election  
expenses.

*Twenty-second*—To provide ways and means for the prosecution of the claims of such city, or city and county, to any land or other property or right claimed by such municipality. Prosecute  
claims.

*Twenty-third*—To provide for the appointment by the Mayor of a Weigher of Coal, without salary, and to regulate and define his duties, and establish rates of charges to be collected from persons requiring his services, and for his compensation from such rates and charges alone, and with no claim upon such city, or city and county. Appoint  
weigher of  
coal.

*Twenty-fourth*—To authorize and direct the summary abatement of nuisances; to make all regulations which may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases; to provide fines and penalties against individuals who may be guilty of maintaining any nuisances, and enforcing the same until such nuisance be removed or abated; to provide by regulation for the prevention and summary removal of all nuisances and obstructions in the streets, alleys, highways, and public grounds of such city, or city and county, and to prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to ordinance. Abatement  
of nuisances.

*Twenty-fifth*—To prohibit, suppress, regulate, or exclude from certain limits all houses of ill-fame, prostitution, and gaming; to prohibit, suppress, regulate, or exclude from certain limits all occupations, houses, places, pastimes, amusements, exhibitions, and practices which are against good morals, contrary to public order and decency, or dangerous to the public safety. Regulate or  
prohibit  
houses of  
ill-fame.

*Twenty-sixth*—To require, by ordinance, all contractors for street work, or other persons lawfully undertaking to improve, grade, or alter streets or public highways, to erect fences or barriers, to keep lights at night, and to take other necessary precautions to protect the public from damage, loss, or accident by reason of such grading, alteration, or improvement, and to fix and prescribe penalties for the violation of the provisions of such ordinance. Regulate  
manner of  
street work.

*Twenty-seventh*—To provide for the safe keeping and disposition of lost, stolen, or unclaimed property of every kind, which may at any time be in the possession or under the control of the police of such city, or city and county. Safe keeping  
of lost  
property.

*Twenty-eighth*—To regulate, and, when necessary, to sup-

Suppress  
public dem-  
onstrations.  
Regulation  
of Fire  
Department.

press all public demonstrations and processions which interfere with public traffic.

*Twenty-ninth*—To appoint a Fire Marshal. Such appointment shall be made on the nomination of the Board of Fire Underwriters of such city, or city and county, if such Board shall exist therein. If more than one such Board shall exist therein, then upon the nomination of the Board which shall have been longest organized. His salary shall be fixed and paid by such Board of Fire Underwriters. Such Fire Marshal shall, before entering upon the office, take and subscribe the oath of office, and execute a bond to the State of California in the sum of five thousand dollars, with two or more sureties, to be approved by a Judge of the Superior Court, for the faithful discharge of his duties. Any person aggrieved by any misconduct of such Marshal, or his deputy, may bring an action in his own name upon such official bond, which bond shall be filed in the office of the County Clerk. It shall be the duty of such Fire Marshal to attend all fires which may occur in such city, or city and county, with a badge of office conspicuously displayed. He shall take charge of and protect all property which may be imperiled at any such fire, and safely keep the same under his possession and control until satisfactory proof of ownership be made thereto; and shall, as far as practicable, prevent such property from being injured at such fire, and direct, when in his opinion it shall be necessary, the removal of goods, merchandise, and other property, to a place of safety. He shall be authorized and empowered to exercise the functions of a peace officer of such city, or city and county. Any person who shall willfully hinder or obstruct such officer in the lawful discharge of his duties, shall be deemed guilty of a misdemeanor; *provided, however*, that nothing herein contained shall be so construed as to authorize such Fire Marshal to interfere in any manner with the proper discharge of the lawful duties and authority of any Chief Engineer of any fire department of such city and county. It shall be the duty of such Fire Marshal to institute investigations into the cause of such fires as occur in such city, or city and county; and for this purpose he shall have power to issue subpoenas and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be directed to and served by any police officer, or by any peace officer of such city, or city and county. Any witness who refuses to attend or testify in obedience to such subpoena, shall be deemed guilty of contempt, and be punishable by him as in cases of contempt in Justices' Courts in civil cases. He shall make a written report of the testimony to the District Attorney, and institute criminal prosecutions in all cases in which there appears to him to be a reasonable and probable cause for believing that a fire has been caused by design. It shall be the duty of such Fire Marshal to aid in the enforcement of the fire ordinances of such city, or city and county, and for this purpose he is duly authorized to visit and examine all buildings in process of erection or under-

going repairs, and to institute prosecutions for all violations of the ordinances of such city, or city and county, which relate to the erection, alteration, or repairs of buildings, and for the prevention of fires. He shall exercise such additional powers as may be conferred upon him by the ordinances of such city, or city and county, to enable him fully to carry out the object and purpose of his appointment, and for the prevention of fires. He shall have power to appoint a deputy, who may exercise all the powers and perform all the duties of such Marshal. The salary of such deputy shall be paid in the same manner as the Fire Marshal. Any person who saves from fire, or from a building endangered by fire, any property, and who willfully neglects for two days to give notice to such Fire Marshal, or to the owner of such property, of his possession thereof, shall be deemed guilty of grand or petty larceny, as the case may be, according to the value of said property; and any person who shall be guilty of false swearing in any investigation under this subdivision, shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished therefor as in other cases of perjury. Such Fire Marshal may be removed at any time by the same power or powers that appointed him. And in case of the removal, resignation, or death of such Fire Marshal, his successor shall be appointed in the same manner as hereinbefore provided. Such Fire Marshal is hereby authorized and empowered to appoint one or more persons, during the time of fire, for the purpose of saving and protecting property at such fire, and until it shall be delivered to the owner or claimant thereof, and such person or persons so appointed shall have, during such period, the authority and power of a policeman of such city, or city and county, and shall be known as the Fire Marshal's Police; and each of such persons shall wear, while in the discharge of his duty, conspicuously displayed on his person, such badge or device as such Fire Marshal shall designate. No person shall be entitled to any property in the hands of such Fire Marshal, saved from fire, until satisfactory proof of ownership be made, and until the actual expenses incurred by such officer for the preservation and keeping of the same shall be paid to him by the owner or claimant of said property; and in case of dispute as to the amount of such expenses, said dispute to be determined by the Justices' Court of such city, or city and county. Such Fire Marshal is hereby duly authorized and empowered to hold and sell, or cause to be sold, at public auction, all property in his possession, saved from a fire or fires, for which no owner can be found, after advertising the same in two daily newspapers published in such city, or city and county, for the period of thirty days; *provided, however*, that if, upon application of such Fire Marshal to the Police Judge, it shall appear that such property is perishable, such Judge may order such Fire Marshal to make sale thereof upon such notice as in the opinion of such Judge may be reasonable. The proceeds of all such sales, together with an account thereof, after deducting all expenses, shall be by him deposited with the Treasurer of such city, or city and county, to

be held by such Treasurer, subject to the claim of the owner of such property. Such Fire Marshal shall, from time to time, file with the Clerk of such city, or city and county, under oath, a statement and description of all property in his possession, or under his control and sold by him, together with the amount of money by him deposited with the Treasurer of such city, or city and county.

Maintain  
fire alarm.

*Thirtieth*—To maintain a fire alarm and police telegraph in such city, or city and county.

Regulate  
drifting of  
sand.

*Thirty-first*—To require the owners of lots to prevent sand from drifting, being blown, or otherwise moved therefrom, into or deposited upon any paved, planked, or macadamized street, alley, place, park, thoroughfare, or other public property, and to enforce all such regulations by sufficient fines and penalties.

Maintain  
House of  
Correction.

*Thirty-second*—To maintain, regulate, govern, manage, and carry on a House of Correction, and to utilize therein and thereby the labor of all prisoners committed to the jail or House of Correction of such city, or city and county, by the Police Courts and the Superior Courts; to prescribe rules of commitment and detention of prisoners, hours of labor, and all necessary rules, regulations, and restrictions, for the proper operation of said institution. All prisoners sentenced to a term in the County Jail, or House of Correction, shall be deemed to have been sentenced to labor during such term. The Judges of Police Courts and of the Superior Courts, in such city, or city and county, may sentence criminals to the House of Correction when, in the judgment of such Judge, the criminal is too young to be sentenced to the State Prison, or when it is deemed better for the well being of the prisoner. No person shall be sentenced to imprisonment in the House of Correction for a shorter or longer term than that for which he might be sentenced in the jail of such city, or city and county, or in the State Prison; and in no case whatever for a shorter term than three months nor for a longer term than three years. No person who might be sentenced to imprisonment in the State Prison, shall be sentenced to imprisonment in the House of Correction if he is more than twenty-five years of age, if he has been once before convicted of a felony, or twice before convicted of petit larceny, nor unless, in the opinion of the Court, imprisonment in the House of Correction will be more for his interest than imprisonment in the State Prison, and equally for the interest of the public. The fact of a previous conviction may be found by the Court upon evidence introduced at the time of sentence. The Board of Aldermen of the city, or city and county, shall appoint a competent Superintendent of the House of Correction of such city and county, who shall also be Treasurer of said House of Correction, and who shall give good and sufficient bonds, in a sum, and with sureties, to be approved by said Board of Aldermen, for the faithful discharge of his duties, and to whom shall be paid a salary, to be fixed by them, not to exceed two hundred and fifty dollars per month, payable monthly. Said Superintendent shall only be removed for just and sufficient legal

cause, after a fair and impartial investigation of his case by said Board of Aldermen. He shall, immediately after his appointment, and when authorized by said Board of Aldermen, appoint, subject to the approval thereof, such subordinates as may be deemed necessary by the Board of Aldermen; and the pay of such subordinates shall be fixed by said Board of Aldermen, not exceeding one hundred dollars per month to each party so appointed. The Superintendent shall manage the general interests of the institution; see that its affairs are conducted in accordance with the requirements of this chapter and of such bylaws as the Board of Aldermen may from time to time adopt for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates; adjust and certify all claims against the institution. And all bylaws made by said Board of Aldermen for the management of said institution, and not contrary to the laws of this State, shall be binding, in all respects, upon said Superintendent, officers, and inmates; and said Superintendent shall each year prepare and submit, under oath, to the Board of Aldermen, a report of the concerns of said institution. The Superintendent shall reside at the House of Correction, have charge of its inmates and property, and be its Treasurer; keep accounts of all his receipts and expenditures, and of all such property, and account in such manner as the said Municipal Council may require, and hold all books and papers open to their inspection.

Maintain  
House of  
Correction.

*Thirty-third*—To maintain and regulate an Industrial School for the detention, management, reformation, education, and maintenance of such children, under the age of eighteen years, as shall be committed or surrendered thereto by the Courts of such city, or city and county, as vagrants, living an idle or dissolute life, or who shall be convicted by the Police or Superior Court of any crime or misdemeanor, or who, being tried for any crime or misdemeanor in such Court, shall be found to be under fourteen years of age, and to have done an act which, if done by a person of full age, would be a crime or misdemeanor; and said Council is empowered to regulate the commitment, detention, and discharge of such children, and to designate and prescribe the causes, terms, and conditions thereof; and the said Police Court and Superior Court shall have power to adjudge that such persons so convicted shall be so imprisoned; and persons so convicted shall remain at said Industrial School until he or she shall attain majority, unless a shorter time shall be fixed by said Court in the commitment. Such children shall be kept at such employments and be instructed in such branches of useful knowledge as may be suitable to their age and capacity. The Municipal Council may provide for binding out such children as apprentices during their minority, to learn proper trades and employments. There shall be a Superintendent of said Industrial School, to be appointed by the Board of Aldermen. He shall be deemed a public officer, whose salary shall not exceed two hundred and fifty dollars per month, and such other employes as may be necessary,

Maintain an  
Industrial  
School.

with salary not to exceed one hundred dollars per month each. Such Police and Superior Court, or either of them, upon the application of the Board of Aldermen, and upon its certificate that it is expedient to do so, shall have power to discharge any child committed to said Industrial School, and who is not bound out as an apprentice, or adopted, and may in like manner discharge such child upon the application, in writing, of the parents or guardian of such child, who shall not have been bound out or adopted, and after ten days notice, in writing, to the Board of Aldermen, if, upon the hearing of the application, such Police Court or Superior Court shall consider that such discharge is expedient.

Maintain  
Almshouse,  
etc.

*Thirty-fourth*—To establish and maintain an Almshouse, a City and County Hospital, a Smallpox Hospital, and such other institutions of the same character as are or may be necessary, and to perpetuate such institutions as may have been heretofore established in such cities, or cities and counties, heretofore incorporated.

Payment of  
judgment.

*Thirty-fifth*—To order paid out of the General Fund any final judgment against such city, or city and county.

Public  
Pound.

*Thirty-sixth*—To maintain, regulate, and govern a Public Pound, fix the limits within which animals shall not run at large, and appoint Poundkeepers, who shall be paid for out of the fines imposed and collected of the owners of impounded animals, and from no other source.

Improvement of  
water front.

*Thirty-seventh*—To allow and order paid out of the Street Department Fund such sums as may be deemed necessary for improvement of streets bordering on the water front, and improvement of sewers and streets in front of public property.

Burial of  
indigent  
dead.

*Thirty-eighth*—To allow and order paid out of the General Fund such sums as may be necessary for burying the indigent dead.

Pay of special  
counsel.

*Thirty-ninth*—To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

Enact certain  
regulations.

*Fortieth*—To enact such general and special police regulations for such city, or city and county, as shall secure the health, comfort, and security of the inhabitants, the safety and security of property and life, and to enforce the same therein.

Regulation  
of offices and  
departments

*Forty-first*—To make needful rules and regulations for the administration, care, and maintenance and conduct of all departments and offices of such city, or city and county, when not otherwise in this chapter provided for, so as to secure more perfect safety of the public funds, and greater efficiency in all departments of the service, and to enforce the observation of such rules and regulations, and to authorize the appointment of such additional clerks, assistant deputies, and employes as in their judgment may be necessary for the proper discharge of the duties of such offices and departments.

*Forty-second*—To appropriate the moneys derived from the revenue of such city, or city and county, to a General Fund,

and such funds as have been heretofore or shall be hereafter established by law or the said Council, and as shall be necessary for the proper and economical administration of such city, or city and county. General Fund.

*Forty-third*—To establish, maintain, and regulate free public libraries and reading rooms, and to perpetuate such free libraries and reading rooms as may have been heretofore established in such cities, or cities and counties, heretofore incorporated. Free library.

*Forty-fourth*—To provide, fit up, and furnish, and provide with fuel, lights, stationery, and all necessary attendance, conveniences, and care, rooms convenient and accessible to the Courts, sufficient for the use and accommodation of a law library and those who have occasion to use it, and approved by the officers having the government of said library, and to perpetuate and in the same manner provide for any law library now existing in such city, or city and county, the use of which has been secured by law to the Courts, the Bar, and the city, or city and county, government. The Municipal Council shall have power, and it shall be their duty, to appropriate, allow, and order paid out of the proper fund, such sums as may be necessary therefor. Law library.

*Forty-fifth*—To establish and maintain a free Medical Dispensary, and to perpetuate any such heretofore existing in such city, or city and county. Medical dispensary.

*Forty-sixth*—To appoint a committee of five, three from the Board of Aldermen and two from the House of Assistant Aldermen, to be denominated the "Building Committee," to superintend the construction of buildings hereafter to be constructed for such city, or city and county, or now in progress of construction therefor, and to appoint a Secretary for such committee, and to fix his compensation, and, if necessary, also to appoint a Superintendent and Architect therefor, fix their respective compensation, and require of such Superintendent and Architect to execute bonds, with two sureties, conditioned for the faithful performance of their duty, in such sums as may be deemed necessary. Building Committee.

*Forty-seventh*—To divide the city, or city and county, by ordinance, into twelve wards, to fix the boundaries thereof, and to change the same, from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general election, nor within twenty months after the same shall have been established or altered. Division of city into wards.

*Forty-eighth*—To provide for the levy, collection, and appropriation of revenue heretofore by law provided to be collected for the erection and completion of any public building in and for such city, or city and county, in the manner as heretofore provided by any law of this State for the levy, collection, and appropriation of the same. Levy and collection of revenue.

SEC. 65. The Municipal Council shall constitute a Board of Equalization for such city, or city and county, and as such shall have the powers conferred by the general laws regulating the assessment and collection of taxes, when not inconsistent with the provisions of this chapter. Board of Equalization

Definition of  
public  
streets.

SEC. 66. All the streets, lanes, alleys, places, or courts, as laid down on the official map of such city, or city and county, and all other streets, lanes, alleys, places, or courts, now dedicated or open to public use, are hereby declared to be open public streets, lanes, alleys, places, or courts, for the purpose of this chapter; and the Municipal Council is invested with jurisdiction to order any of the work mentioned in section sixty-seven of this Act to be done on any of said streets, lanes, alleys, places, or courts, when the grade and width of said streets, lanes, alleys, places, or courts have been officially established; and for the purposes of this chapter the grade of all intermediate or intersecting streets, lanes, alleys, places, or courts in any one block shall conform to the grades as established of the crossings of the main streets.

Grading  
streets.

SEC. 67. The Municipal Council is hereby authorized and empowered to order the whole or any portion of the said streets, lanes, alleys, places, or courts, graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, piled or repiled, capped or recapped, and to order sidewalks, sewers, cesspools, manholes, culverts, curbing, and crosswalks to be constructed, and to order any streets and sewers cleaned, and to order any other work to be done which shall be necessary to make and complete the whole or any portion of said streets, lanes, alleys, places, or courts, and they may order any of the said work to be improved; and when any street, or portion of a street, has been or shall hereafter be constructed to the satisfaction of the Municipal Council and the Superintendent of Streets, and shall have a brick sewer, or cement or iron-stone pipe constructed therein, under such regulations as said Municipal Council shall adopt, the same shall be accepted by it, and thereafter shall be kept open and improved by such city, or city and county, the expense thereof, together with all work done in front of city, or city and county, property, to be paid out of the Street Department Fund, or other proper fund; *provided*, that the Municipal Council shall not accept of any portion of the street less than the entire width of the roadway (including the curbing and one block in length, or one entire crossing); *and provided further*, that it may, partially or conditionally, accept any street, or portion of a street, without a sewer or pipe therein as above stated, if a sewer or pipe therein shall be deemed by them unnecessary; but the lots of land previously assessable for the cost of construction of a sewer or pipe shall still remain and be assessable for such cost, and for the cost of repair and restoration of the street damaged in the said construction, when thereafter a sewer or pipe shall be deemed necessary, the same as if no partial or conditional acceptance had ever been had. The said Superintendent of Streets shall keep in his office a register of all accepted streets, the same to be indexed so that reference may be easily had thereto.

Construction  
of sewers.

"Register"  
of streets.

SEC. 68. The Municipal Council may order work authorized by this chapter, the cost and expense of which is made chargeable, or may be assessed upon private property by special assessment, to be done, after notice of its intention so

to do in the form of a resolution describing the work, and signed by the Clerks of both branches of the Municipal Council, has been published for the period of five days in the paper doing the printing for such city, or city and county, and also in two daily newspapers, one of which newspapers shall be published as a morning edition and one as an evening edition, printed and published in such city, or city and county, for five days, Sundays and non-judicial days excepted; *provided*, that no such notice shall be given or order made for the grading of any street, unless the majority of the frontage of the lots and land fronting on the work proposed to be done, and described in said resolution, or which is to be made liable for such grading, except public property, shall have been represented by the owners thereof, or by their agents, in a petition to the said Municipal Council, stating that they are the owners and in possession or agents of the lots named in the petition, and also requesting that such improvements or street work shall be done. All owners of lands, or lots, or portions of lots, who may feel aggrieved or have objection to the ordering of the work described in said notice, or who may have objection to any of the subsequent proceedings of the Municipal Council in relation to the work mentioned in such notices of intention, or may have any objections to any of the acts of the Superintendent of Streets, and the City, or City and County, Surveyor of such city, or city and county, in the discharge of any of the obligations or duties imposed upon him or them by virtue of their offices, shall file with the Clerk of either branch of the Municipal Council a petition or remonstrance, wherein they shall set forth in what respect they feel aggrieved, or the acts or proceedings to which they object, which petition or remonstrance shall be passed upon by the Municipal Council, and its decisions thereon shall be final and conclusive; but the Municipal Council shall not order the work described in said notices to be done unless all objections and protests that may have been presented and filed as aforesaid shall have been by them disposed of. Should the owners or agents of more than one half in frontage of the lots and lands fronting on the work proposed to be done, and designated in said notice or resolution, or liable to be assessed for work, file with the Clerk of either branch of the Municipal Council written objections against any grading described in said notice, at any time before the expiration of the publication of said notice of intention, and the publication thereof, as hereinbefore provided, then and thereupon the Municipal Council shall be barred from proceeding further for the period of six months, and shall not renew the notice of intention for doing any street work so protested against within six months, unless the owners or agents of a majority of the frontage of the lots and land fronting on said street work, or liable to be assessed therefor as aforesaid, shall petition anew for the work to be done. At the expiration of any notice of intention, the Municipal Council shall be deemed to have acquired jurisdiction to order any work to be done which is authorized by this chapter; *and it is further provided*, that where any public street shall have been graded, or graded

Special  
assessment  
for work on  
private  
property.

Special  
assessment  
for work on  
private  
property.

and macadamized, or graded and paved, for the distance of one or two blocks upon each side thereof of any one or two blocks or crossing of a street which is not improved, it shall be the duty of the Municipal Council, upon the recommendation of the Superintendent of Streets, to order the notice provided in this section to be given without the petition provided first aforesaid; and if the owners of three fourths of the frontage of the land and lots fronting on such portions of said streets to be graded or improved shall, within the time prescribed in said notice, file written objections to the improvement of the said street, such objection shall be a bar for six months for the doing of said work or making said improvement, except when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, crosswalks, and sidewalks, the Municipal Council shall duly consider said objections before ordering said work; and if it shall decide and declare by an entry in the minutes of both branches thereof, that the objections so made are not good, thereupon it shall be deemed to have acquired jurisdiction to order any such street work to be done that is described in said notice; *provided further*, that when one half or more of the grading, planking, macadamizing, paving, sidewalk-ing, or sewerage of any one street, lying between two main street crossings, has been already performed, the Municipal Council may order the remainder of such grading, planking, macadamizing, paving, sidewalking, or sewerage to be done, notwithstanding the objections of any or all of the property owners.

Manner of  
compelling  
certain  
street work  
to be done.

SEC. 69. The owners of more than one half in frontage of lots and lands fronting on any street, lane, alley, place, or court, mentioned in section sixty-six of this Act, or their duly authorized agents, may petition the said Municipal Council to order any of the work mentioned in section sixty-seven of this Act to be done; and the said Board may order the work mentioned in said petition to be done, after notice of their intention so to do has been published, as provided in section sixty-eight of this Act. No order or permission shall be given to grade, or pile and cap, any street, lane, alley, place, or court, in the first instance, or any portion thereof, without extending or completing the same throughout the whole width of said street, lane, alley, place, or court. When any such work has heretofore been done, or when any such work shall hereafter be done, in violation of this section, neither the lots or portions of lots in front of which such work has been or may be done hereafter, nor the owners thereof, shall be exempt from assessments made for the payment of the work afterwards done to complete said street, lane, alley, place, or court to its full width, as provided in this chapter.

SEC. 70. At the expiration of publication of such notice, the Clerk of either branch of the Municipal Council shall cause to be transmitted to the City, or City and County, Surveyor, and to the Superintendent of Streets of such city, or city and county, a copy of the resolution, order, or ordinance authorizing the said street work. The said Surveyor shall

thereupon, within fifteen days from the completion of the publication mentioned in the last section, transmit to said Municipal Council a map of the district to be benefited by said street improvement; which map shall show the relative location of each lot to the work proposed to be done, and be signed by said Surveyor. The Superintendent of Streets shall also thereupon, within fifteen days from the completion of said publication, transmit to the Municipal Council an estimate of the cost and expense of said improvement, which said estimate shall contain the items composing the gross sum estimated, and shall be signed by said Superintendent.

Map to be transmitted.

Estimate of cost.

SEC. 71. The Municipal Council shall, at the first meeting after the receipt of such map and estimate, or as soon as may be practicable, either adopt, modify, or reject the same, and after its final action upon said map and estimate, the same shall be transmitted to said Superintendent of Streets, who shall record the same in a book to be kept by him for such purpose; and the said Superintendent shall forthwith prepare plans and specifications for such street work, and the Clerk of either branch of the Municipal Council shall cause to be conspicuously posted in the office of said Superintendent, and also published for five days (non-judicial days excepted) in the newspapers hereinbefore mentioned, a notice inviting sealed proposals to contract for the work contemplated to be performed; such work not to be performed, nor any contract for the same made or entered into, until after the moneys sufficient for the payment of the costs and expenses thereof shall have been levied, collected, and paid into the treasury of such city, or city and county, as hereinafter provided; which notice shall substantially contain the plans and specifications above mentioned; and all notices, resolutions, and orders required to be posted or published under the provisions of this chapter, shall be posted or published, or both posted and published, as the law may require, by said Clerk, as a matter of course, and without any special direction or authority from said Municipal Council. The said Superintendent shall furnish specifications for the performance of any and all street work ordered by the Municipal Council and authorized by this chapter, and the time within which said work must be completed after entering into the contract for doing the same. All proposals shall be delivered to the Clerk of either branch of the Municipal Council, and the House of which he is the Clerk shall, in open session, open, examine, and publicly declare the same; and all proposals shall be for a price, payable in gold coin of the United States; *provided*, said Municipal Council may reject any and all proposals, should they deem it for the public good, and also may reject the proposals of any party who may be proved delinquent or unfaithful with any former contract with such city, or city and county; and if all proposals shall be rejected, the Municipal Council shall direct the Clerk of either House thereof, to again post said notice, and publish the same as in the first instance. All proposals shall be accompanied with a bond to such city, or city and county, to be approved by the Clerk of either House of said

Adoption or modification of map.

Posting and publishing of notice.

Delivery of proposals.

Bond.

Election of  
property  
owners to do  
work.

Municipal Council, in the sum of one thousand dollars, and in such additional amount as may be fixed by said Superintendent of Streets, with two good and sufficient sureties, who must be freeholders of such city, or city and county, said sureties to justify in double the amount, conditioned that the party making such proposal shall, or will, within ten days after notice from said Superintendent that the moneys for the cost and expenses for such work have been paid into the treasury, enter into a contract with such city, or city and county, in pursuance of such proposal, and to commence such work within five days after the execution of such contract, and complete the same within the time mentioned in the said plans and specifications, or either of them, or within any extended time; *it is further provided*, that all persons proposing, owners included, who shall fail to enter into any contract as herein provided, or to complete the contracts entered into, are hereby prohibited from proposing a second time for the same work; and in case of owners, they are hereby prohibited from electing to take the same work a second time, and from entering into any contract concerning the same. At any time within five days after such money has been paid into the treasury, the owners of a majority of the frontage of lots and lands liable to be assessed for said work, or their agents, and who shall make oath that they are such owners, or the agents of such owners, may elect to do the said work, and to enter into a written contract to do the whole work at the price for which the same is awarded, upon giving the bond as hereinafter provided; and they shall commence said work within five days after the execution of such contract, and shall prosecute it diligently and continuously, and complete it within the time limited in the contract, or within any extended time; but should the said contractor, or the property owners, fail to prosecute the same diligently or continuously, in the judgment of said Superintendent, or complete it within the time prescribed in the contract, or within the extended time, then it shall be the duty of said Superintendent to report the same to the Municipal Council, who shall immediately order the Clerk of either branch of the Municipal Council to advertise for proposals as in the first instance, and relet the contract in the manner hereinbefore provided; *and it is further provided*, that all contractors for street work shall, at the time of entering into said contract, execute a bond, payable to such city, city or county, with two or more sureties, in the sum of not less than one thousand dollars, and in such additional amount as may be fixed by said Superintendent, conditioned for the faithful performance of said contract; and said sureties shall justify in double the amount of the penalty fixed in said bond; such sureties to justify before said Superintendent or his deputy, and the qualifications and responsibility of such sureties shall be the same as prescribed for sureties on the official bonds of the officers of such city, or city and county; *and it is further provided*, that in case of the non-fulfillment by the obligor in either of the bonds mentioned in this section, of the conditions thereof, it shall be the duty

of the City, or City and County, Attorney to sue for and collect the sum in said bond mentioned, in any Court of competent jurisdiction, and pay the same into the city and county treasury, to the credit of the proper fund.

SEC. 72. After the proposal shall have been received and <sup>Assessment.</sup> considered by the Municipal Council, the Superintendent of Streets shall make an assessment in proportion to the benefit upon all the land in the district shown upon said map. Said assessment shall show the work proposed to be done, the estimated cost thereof, the rate per front foot assessed against each lot within the assessment district, the amount of each assessment, the name of the owner of each lot, or portion of lot, if known to the Superintendent, and if such owner be unknown, the word "unknown" shall be written opposite the number of the lot (but an assessment made to a person not the owner, shall not render such assessment illegal), and the amount assessed thereon, the number of each lot, or portion of lot, assessed, and shall have attached thereto a diagram showing the assessment district, and the relative location of each lot assessed to the work proposed to be done, each lot being numbered in said assessment and diagram; and when completed shall be signed by said Superintendent, and transmitted to the Board of Aldermen.

SEC. 73. At the first meeting of the Board of Aldermen, <sup>Notice of hearing objections to assessment roll.</sup> after the receipt by it of the assessment made by said Superintendent, as soon thereafter as may be practicable, it shall cause notice of the time and place of the hearing of all objections to said assessment to be published for at least five days (Sundays and non-judicial days excepted), prior to the time of such hearing, in two daily newspapers, one published as a morning edition and one as an evening edition, in such city, or city and county. All objections shall be heard in open session of said Board of Aldermen. At said hearing said Board of Aldermen may alter, modify, or confirm said assessment, as it shall deem proper; and said Superintendent shall thereupon record said assessment and diagram in a book to be kept by him for that purpose. When so recorded, the several amounts assessed shall be deemed a tax levied upon the lands described in said assessment and diagram, upon which they are respectively assessed, and shall be a lien upon such parcels of land. Said Superintendent shall give to each assessment a number by which the fund collected for said work shall be known, and shall immediately after the record of said assessment, as hereinbefore provided, deliver the said assessment and diagram to the Tax Collector of such city and county, who shall thereupon cause to be published for ten successive days (Sundays and non-judicial days excepted), in two newspapers of general circulation, one of which shall be published as a morning edition and one as an evening edition, published in such city, or city and county, a notice containing a description of the proposed improvement, and of the portion of street or streets upon which the same is proposed to be done, that the same is in his hands for collection; that if said assessment is not paid within fifteen days from the date of the last publication <sup>Notice of proposed improvement and payment of assessment.</sup>

of such notice, that the same will be delinquent; that the property assessed, and upon which the assessment remains unpaid, will be sold by said Tax Collector for said assessment, a brief description of the property assessed, the amount assessed thereon, and the time and place of sale, which shall be not less than five nor more than ten days after such delinquency.

Sale of prop-  
erty for  
unpaid taxes

SEC. 74. On the day fixed for the sale, said Tax Collector, between the hours of ten A. M. and three P. M., must commence the sale of the property advertised, upon which the assessment remains unpaid, and sell the same at public vendue, in the office of said Tax Collector, to the person who will take the least quantity of the respective parcels of land assessed, and pay the assessment thereon, together with two dollars to said Tax Collector for the duplicate certificate of sale. If the purchaser does not forthwith pay the amounts of the assessment and costs by him bid, the Tax Collector shall immediately proceed to sell such parcel or parcels again, in the same manner, for the amount of said assessment and costs.

Duplicate  
certificate.

SEC. 75. After receiving the amount of the assessment and costs, said Tax Collector must make out in duplicate a certificate, dated on the day of sale, showing the name of the person assessed, when known, a brief description of the property sold, the street improvement for which the assessment was levied, the number of the assessment, that it was sold for an assessment, the amount thereof, that the same is subject to redemption at any time within one year after sale, and specifying the date when the purchaser will be entitled to a deed; and upon payment to said Tax Collector of the fee for recording the same, said Tax Collector shall deliver one of such duplicates to the purchaser, and the same day file the other in the office of the Recorder of the county, or city and county, who shall record the same.

Vesting of  
lien.

SEC. 76. Upon filing the said duplicate in the office of said Recorder, the lien aforesaid is vested in the purchaser, and is only divested by payment to him, or to the Treasurer of such city, or city and county, for his use, of the purchase money and costs, and two per cent per month and fraction of a month up to date of redemption thereon. A redemption of the property sold may be made by the owner, or any party in interest, within twelve months from the date of purchase.

Deed to pur-  
chaser and  
conclusions  
of law.

SEC. 77. If property is not redeemed within twelve months from the date of such sale, the Tax Collector must make to the purchaser, or his assignee, a deed, reciting substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The matters recited in the certificate of sale must be recited in the deed, and such deed, duly acknowledged, shall be prima facie evidence that:

1. The property was assessed as required by law.
2. That the assessment was not paid.
3. That the property was sold at the proper time and place, and by the proper officer.

4. That the person who executed the deed was the proper officer therefor.

5. That the title to the property therein described is vested in the purchaser, his heirs, or assigns, free from all incumbrances, except taxes for purposes of revenue.

SEC. 78. Said Tax Collector shall daily pay into the treasury of such city, or city and county, to the credit of the proper Street Improvement Fund, all moneys collected by him on account of such fund, and shall, upon the receipt of any assessment, mark the same paid upon the assessment roll, and shall receipt to the person paying the same therefor, which receipt shall show the number of the Street Improvement Fund, the work done, the number of the lot upon which the assessment is paid, and the amount thereof.

Payment  
into treasury  
by Tax Col-  
lector.

SEC. 79. When the full amount of such assessment has been collected by said Tax Collector, the said Collector shall certify to the Superintendent of Streets that the same has been collected and paid into the treasury of such city, or city and county. Upon the receipt of such certificate from the Tax Collector, the said Superintendent shall forthwith notify the person whose proposal shall have been accepted by the Municipal Council, as aforesaid, of the payment of such money into the treasury, and that such city, or city and county, is ready to enter into a contract with such person for such work, in pursuance of said proposal; and said Superintendent shall hold himself in readiness to execute said contract on behalf of such city, or city and county. The Board of Aldermen may extend the time of performance of the contract, as fixed by the contract of specifications, upon the recommendation of said Superintendent; but the time of the performance shall in no event be in any manner extended beyond sixty days after the time fixed in such specifications or contract for the completion of said work.

Certificate of  
payment  
into treasury

Notification  
to contractor

Extension of  
time.

SEC. 80. Whenever any contract shall have been completed to the satisfaction and acceptance of the Superintendent of Streets, he shall deliver to the contractor a certificate to that effect, and shall also notify said Board of Aldermen that said work and improvement, and the contract therefor, have been completed to his satisfaction and acceptance, and that he has given to said contractor his certificate to that effect. Thereupon said Board of Aldermen shall direct the Clerk of said Board to give notice by publication for five days, in a newspaper published and circulated in such city, or city and county, that said work and improvement, and the contract therefor, have been completed to the satisfaction and acceptance of the Superintendent of Streets of such city, or city and county.

Certificate to  
contractor  
and publica-  
tion of  
notice.

SEC. 81. Any person owning property which has been assessed to pay the cost and expenses of such work and improvement, feeling aggrieved at the manner in which such work and improvement shall have been done, or feeling aggrieved at any act or determination of said Superintendent of Streets in relation to said work and improvement subsequent to the date of the execution of the contract therefor, shall, within five days from the first publication of said

Appeal of  
property  
owner.

Acceptance  
of work.

Hearing of  
objections  
and notice.

notice, appeal to said Board of Aldermen by briefly stating their objections in writing, and by filing the same with the Clerk of said Board. At the meeting of the Board next ensuing after the expiration of said five days allowed above for filing said objections, the said Board, if no objections have been filed, shall, by resolution, ratify and confirm all said acts of said Superintendent of Streets, and shall accept such work and improvement. But if any such objections last aforesaid shall have been filed within said five days, then said Board shall fix the time for hearing such objections, and shall direct the Clerk of said Board to notify all persons desirous of being heard upon said objections of the time and place when and where said Board will hear all parties desiring to be heard upon the same. Said notice shall be in writing, and shall be given by posting the same in three of the most conspicuous public places in such city, or city and county, and published five days in two daily newspapers (one morning and one evening edition), at least five days before the time set for said hearing. At the time and place fixed for said hearing of said objections, said Board shall proceed to hear all parties present and desiring to be heard upon the matters specified in such objections. And whenever said Board shall have determined, by personal inspection or otherwise, that said work and improvement objected to have been completed in all respects according to the contract therefor, they shall, by resolution, accept said work and improvement, and ratify and confirm all said acts of said Superintendent of Streets in relation thereto.

Notice to  
Superin-  
tendent of  
Streets.

SEC. 82. If, upon such hearing, said Board of Aldermen shall determine, by personal inspection or otherwise, that said work and improvement have not been performed according to the contract therefor, then they shall notify the said Superintendent of Streets to that effect, specifying in said notice to him the particulars in which said contract has not been performed. And said Superintendent of Streets shall thereupon at once cause said contractor to complete said work and improvement under the contract therefor in those particulars specified by said Board in said notice to said Superintendent of Streets. Whenever said Board shall ascertain that said work and improvement have been completed in all respects according to the terms of the contract therefor, they shall, by resolution, accept such work and improvement. All acts and determinations of said Board of Aldermen upon appeals, under the provisions of this and the next preceding section, shall be final and conclusive upon all persons entitled to an appeal thereunder.

Payment to  
contractor.

SEC. 83. Whenever any work or improvement shall have been so completed upon any street, lane, alley, court, or place in such city, or city and county, for the payment of costs and expenses, of which an assessment shall have been levied and collected under the provisions of this Act, the said Board of Aldermen shall, by resolution, direct the Treasurer to pay out of the appropriate fund, at the expiration of fifteen days from the passage of such resolution, to the contractor who shall have so completed said work and improvement, the

amount to which he is entitled under the terms of his contract; *provided, however*, that such payment by the Treasurer shall be made subject to the following provisions, to wit: That any person or persons who have performed labor upon, or furnished materials for the construction of said work or improvement, may file within said fifteen days, with the Treasurer, any written claim or claims he or they may have on account of such labor performed or materials furnished; and, at the expiration of said fifteen days, said Treasurer shall pay to said contractor the amount specified in said last named resolution, less the aggregate amount of all such claims, if any, theretofore filed in accordance with the provisions of this section. Should any money be retained by said Treasurer on account of such claim or claims, he shall pay over the amount of each claim only upon the order therefor of said contractor, indorsed by the claimant entitled thereto, or upon the order therefor of any Court of competent jurisdiction.

Conditions.

Sec. 84. And when all moneys required to be paid by the said Treasurer, under the last preceding section, shall have been by him paid, as required in said section, if there is any money remaining in the fund out of which said payments shall have been made as aforesaid, it shall be the duty of said Treasurer immediately to report the amount of said remaining moneys to said Board of Aldermen. Thereupon it shall be the duty of said Board to empower and direct said Treasurer to distribute and repay such remaining moneys, and in the proportion of the amounts of the original assessments, to the persons by or for whom said original assessments were paid, or to their legal representatives. And it shall be the duty of said Treasurer, in each instance of such repayment, to require, receive, and file away a receipt of said proportionate amount from said persons or their legal representatives. And in no case shall a contractor, who has failed to fulfill the terms and conditions of his contract, be entitled to receive any portion of the contract price therefor, and he shall be deemed to have forfeited all right to recover or receive any compensation whatever under said contract.

Repayment of moneys.

Sec. 85. No contract to do any work upon any accepted streets, other than cleaning streets and sewers, shall be let, but such work shall be done under the direction of the Superintendent of Streets, by laborers employed by such city, or city and county, through said Superintendent, at such wages as may be, from time to time, fixed by the Municipal Council. All contracts for materials necessary to be used for work on accepted streets must be given by the Municipal Council to the lowest bidder offering adequate security, after due public notice, for not less than five days, in at least two newspapers published in such city, or city and county.

Kind of labor on accepted streets.

Sec. 86. In case of urgent necessity, the Superintendent of Streets may, and it shall be his duty to, repair any of the unaccepted public streets, sewers, or crossings cornering thereon; and the expense of the same shall be paid out of the Street Department Fund, in the same manner as provided for the improvement of accepted streets; and all such

Repairing streets, sewers, etc.

repairs shall be made in uniformity with the work to be repaired, but such repairs between two main streets shall not exceed in cost the sum of two hundred dollars, and the repairs of any crossings shall not exceed in cost the sum of one hundred dollars; *provided*, the sums so expended shall not exceed the sum of two thousand dollars in any one month. Such work, and the material therefor, shall be performed and provided in the same manner as provided in the foregoing section concerning labor and material for accepted streets.

No recourse  
on city for  
damage for  
accident on  
defective  
street.

Damages,  
against  
whom.

Improve-  
ment of  
streets by  
property  
owners.

SEC. 87. No recourse shall be had against such city, or city and county, for damage to person or property suffered or sustained by or by reason of the defective condition of any street or public highway of such city, or city and county, whether originally existing or occasioned by construction, excavation, or embankment, or want of repair of said street or public highway; and whether such damage be occasioned by accident on said street or public highway, or by falling from or upon the same; but if any person while carefully using any street or public highway of such city and county, graded, or in course of being graded, or carefully using any other street or public highway leading into or crossing the same, be injured, killed, lost, or destroyed; or any horses, animals, or other property be lost, injured, or destroyed, through any defect in said street or public highway, graded, or in course of being graded, as aforesaid, or by reason of any excavation or embankment in or of the same, or by falling from or upon such embankment or excavation, then the person or persons upon whom the law may impose the duty either to repair such defect or to guard the public from the excavation, embankment, or grading aforesaid, and also the officer or officers through whose official neglect such defect remained unrepaired, or said excavation or embankment remained unguarded as aforesaid, shall be jointly and severally liable to the person or persons injured for the damages sustained.

SEC. 88. The Superintendent of Streets may require, at his option, by notice in writing, to be delivered to them personally or left on the premises, the owners, tenants, or occupants of lots or portions of lots liable to be assessed for work done under the provisions of this chapter, to improve forthwith any of the work mentioned in section sixty-seven of this Act in front of the property of which he is the owner, tenant, or occupant, to the center of the street or otherwise, as the case may require, or to remove all filth, sand, earth, or dirt from the street in front of the premises; and, by a like notice, to be served personally upon the President or any officer of a railroad corporation or company, or to be left at the office of said corporation or company, to require such corporation or company to improve forthwith any work mentioned in this chapter, which said corporation or company are required by law to do and perform; said notice to specify what improvement is required, or work is to be done. After the expiration of five days, if such notice shall not have been complied with, such proceedings shall be taken by the proper authorities to cause the moneys necessary for the doing of such work to be paid into the treasury, as is hereinbefore provided in

reference to work and improvements upon unaccepted streets, and to be paid for in the same manner.

SEC. 89. Notices in writing, which are required to be given by the Superintendent of Streets, under the provisions of this chapter, may be served by any police officer, or by any male citizen over the age of twenty-one years, and the fact of such service shall be verified by the oath of the person making it, taken before the Superintendent (who is hereby authorized to administer oaths), or any other person authorized to administer oaths. The Superintendent of Streets shall keep a record of the fact of giving such notices and proof of service, and shall keep the original proof thereof.

Notice, how served.

SEC. 90. *First*—On or before the fourth Monday of July, annually, the Municipal Council of such city, or city and county, shall levy the amount of taxes for city, or city and county, purposes, required by law to be levied upon all property not exempt from taxation; said amount to be such as the said Council may deem sufficient to provide for the payment of all demands upon the treasury authorized by law to be paid out of the same; *provided*, that such taxation, exclusive of any and all special taxes, now or which hereafter may be authorized by law, shall not in the aggregate exceed the rate of one dollar upon each one hundred dollars valuation of the property assessed; *provided further*, that the said Municipal Council shall, in making the said levy of taxes, apportion and divide the taxes so levied, and to be collected and applied to the several specific funds known as the Corporation Debt Fund, General Fund, School Fund, Street Light Fund, Street Department Fund, or other fund provided for by law or by the said Council, according to the estimate of said Council of the necessities of the said funds, except that the rate for the School Fund shall not exceed thirty-five dollars for each pupil who shall have attended and been taught the preceding year; *and provided further*, that the said Municipal Council shall authorize the disbursement of said money for the purposes hereafter mentioned; and at the close of each fiscal year the said Council shall direct the Treasurer to transfer all surplus moneys of all funds, excepting the School Fund, after liquidating or providing for all outstanding demands upon said funds, to the General Fund; but no money shall be transferred from either of the said funds to another, nor used in paying any demands upon such other fund, until all the indebtedness arising in any fiscal year, and payable out of said funds so raised for said fiscal year, shall have been paid and discharged.

Levy of taxes.

Distribution of taxes into the various funds.

*Second*—The Corporation Debt Fund shall be applied to and used for the payment of the interest, and to extinguish or provide for the extinguishment of the lawfully contracted funded debts of such city, or city and county, in accordance with laws in force at the time of the organization of such city, or city and county, under this Act.

Corporation Debt Fund.

*Third*—The General Fund shall be applied and used for the payment of all sums authorized by law to be paid out

General Fund.

of the General Fund, and not otherwise provided for in this chapter.

*School Fund.* *Fourth*—The School Fund shall be applied and used for the payment of all sums authorized by law to be paid out of the School Fund.

*Street Light Fund.* *Fifth*—The Street Light Fund shall be applied and used in the payment for lighting the streets of such city and county, and for the repair of lamps and posts, in pursuance of any existing or future legal contract of such city and county.

*Street Department Fund.* *Sixth*—The Street Department Fund shall be applied and used for repairing and improving all streets, lanes, and the crossings thereof, which shall have been or hereafter may be accepted, so as to become a charge upon such city and county; for cleaning streets, lanes, crossings, and sewers; and for the expense of improvements of streets in front of school lots; for all street work in front of or assessable upon property belonging to such city and county; for all street work on the water front of such city and county, not by law assessable upon private property; for all work authorized by the said Council, upon the recommendation of the Superintendent of Streets, as immediately essential for the safety of life, limb, or property, or necessary for public health, or which cannot be by law assessed upon private property, and for such other objects relating to streets and highways as shall be directed by law or said Council to be paid therefrom. All moneys received from licenses on vehicles, from the income from street railroads, from fines and penalties for violation of any law or ordinance regulating vehicles on the public streets, shall be paid into the Street Department Fund.

*No payment of public funds unless authorized by law.* **SEC. 91.** No payment can be made from the treasury or out of the public funds of such city, or city and county, unless the same be specifically authorized by law, nor unless the demand which is paid be duly audited, as in this chapter provided, and that must appear upon the face of it. No demand upon the treasury shall be allowed by the Auditor in favor of any person, officer, company, or corporation, in any manner indebted thereto, without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody, or disbursement of public funds, unless his account has been duly presented, passed, approved, and allowed, as required by law; nor in favor of any officer who shall have neglected to make his official returns or his reports, in writing, in the manner and at the time required by law, or by the regulations established by the Municipal Council; nor to any officer who shall have neglected or refused to comply with any of the provisions of this or any other Act of the Legislature regulating the duties of such officer, on being required in writing to comply therewith by the President of the Board of Aldermen, or any member of the Finance Committee of the Municipal Council; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office, during the office hours prescribed in this chapter; and the

Auditor may examine any officer receiving a salary from the treasury, on oath, touching such absence.

SEC. 92. The term "audited," as used in this chapter, with reference to demands upon the treasury, is to be understood their having been presented to and passed upon by every officer and Board of officers, and finally allowed as required by law; and this must appear upon the face of the paper representing the demand, or else it is not audited. Definition of "audited."

SEC. 93. Every demand upon the treasury, except the salary of the Auditor, and including the salary of the Treasurer, must, before it can be paid, be presented to the Auditor for such city, or city and county, to be allowed, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of such city and county is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "Allowed," with the name of the fund out of which it is payable, with the date of such allowance, and sign his name thereto; but the allowance or approval of the Auditor, or the Municipal Council, or either branch thereof, or any Board, committee, or officer, of any demand which, upon the face of it, appears not to have been expressly made by law payable out of the treasury or fund to be charged therewith, shall afford no warrant to the Treasurer or other disbursing officer for paying the same. No demand can be approved, allowed, audited, or paid, unless it specify each several item, date, and value composing it, and refer to the law, by title, date, and section, authorizing the same. What demands to be audited.

SEC. 94. The demand of the Auditor for his monthly salary shall be audited and allowed by the President of the Board of Aldermen. All other monthly demands on account of salaries, allowances, or compensations fixed by law or this Act, and made payable out of the treasury of such city, or city and county, may be allowed by the Auditor without any approval. All demands payable out of the School Fund must, before they can be allowed by the Auditor, or paid, be previously approved by the Board of Education, or by the President thereof, and Superintendent of Schools, acting under express authorization of said Board. Demands for teachers' wages, or other expenses appertaining to any school, cannot be approved, allowed, or audited to any amount exceeding the share of school money which such school will be entitled to have apportioned to it during the current fiscal year. All other lawful demands payable out of the treasury, or any public funds of such city, or city and county, and not hereinbefore in this section specified, must, before they can be allowed by the Auditor in any manner, or recognized, or paid, be first approved by the Municipal Council, except, if the demand be under two hundred dollars, by the Mayor and two members of the Board of Aldermen, appointed by the said Board for that purpose, with power to act under and subject to its instructions and regulations during recess of the said Board. The Auditor must number and keep a record of all demands on the treasury allowed by him, showing the number, date, amount, and name of the How audited

Demands of Auditor, how allowed.

Other demands.

original and present holder, on what account allowed, out of what fund payable, and, if previously approved, by what officer, officers, or Board it has been so approved; and it shall be deemed a misdemeanor in office for the Auditor to deliver any demand with his allowance thereon until this requisite shall have been complied with.

Who may  
administer  
oaths.

SEC. 95. The Mayor, Mayor's Clerk, Auditor, Auditor's Clerk, Chief of Police, Police Commissioners, President of the Board of Education, each member of the Municipal Council, and every other officer required by law or ordinance to allow, audit, or certify demands upon the treasury, or to perform any other official act or function, shall have power to administer oaths and affirmations, and take and hear testimony concerning any matter or thing concerning any demand upon the treasury, or otherwise relating to their official duties. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, or by a valid ordinance of the Municipal Council, passed in accordance with the same, or in case it is the act of a Board, who shall, as a member thereof, vote for the same, shall be liable to the city, or city and county, individually, and on his official bond, for the amount of the demand so illegally approved, allowed, or paid. Every citizen shall have the right to inspect the books of the Auditor, Treasurer, Secretary of the Board of Aldermen, and Clerk of the House of Assistant Aldermen, at any time during business hours. Copies or extracts from said books, duly certified, shall be given by the officer having the same in custody, to any citizen demanding the same and paying fifteen cents per folio of one hundred words for such copies or extracts.

Penalty for  
allowing  
illegal  
demands.

Payment of  
audited  
demands.

SEC. 96. Every lawful demand upon the treasury, duly audited as in this chapter required, shall in all cases be paid on presentation, and canceled, and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the Treasurer for that purpose, showing its number, when presented, date, amount, name of the original holder, and on what account allowed, and out of what fund payable, and being so registered, shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the Treasurer.

Investiga-  
tion of non-  
payment of  
audited  
demands.

SEC. 97. Whenever any audited demand has been presented to the Treasurer and not paid, and it be made known to the President of the Board of Aldermen, he shall proceed immediately to investigate the cause for such non-payment, and if it be ascertained that the demand has been illegally and fraudulently approved or allowed, he shall cause the officer guilty of such illegal and fraudulent approval or allowance to be suspended and proceeded against for misconduct in office. If he ascertains that the demand has been duly audited, and that the Treasurer has funds applicable to the payment thereof, which, without reasonable grounds for doubt as to the legality of such payment, he

refuses to apply thereto, he shall proceed against him as a defaulter. If it be ascertained that the demand was not paid for want of funds, then he shall cause the Tax Collector, or other officer or person who ought to have collected or to have paid the money into the treasury, if they have been grossly negligent therein, to be proceeded against according to law and without delay.

SEC. 98. The Treasurer, for all money received into the treasury, and all other officers of such city, or city and county, receiving money from the treasury for disbursement, shall give receipt for all moneys by them received, which receipt shall be presented to and countersigned by the Auditor. Receipts for money by all officers. The Auditor, before countersigning any such receipt, shall number it and make an entry in a book of record, to be kept in his office for that purpose, of the number, date, and amount, by whom and in whose favor given, and on what account. Numbering and countersigning receipts. No such receipt shall be valid as evidence in favor of the person or officer receiving it till presented to the Auditor and countersigned as aforesaid; and any person or officer using or offering to use such receipt as evidence in favor of such person or officer, of the payment specified in it, without being first countersigned as above required, shall forfeit to such city, or city and county, double the amount of money specified in such receipt.

SEC. 99. If any person feel aggrieved by the decision of the Auditor, or other proper officer or officers of such city, or city and county, except the Board of Education, in the rejection of or refusal to approve or allow any demand upon the treasury presented by such person, he may appeal and have the same passed upon by the Municipal Council, whose decision thereon shall be final; and if the said Council shall approve and allow the demand, it shall afterwards be presented to the Auditor, and entered in the proper book, in like manner as other demands allowed by him, and an indorsement must be made of its having been so entered before it can be paid; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any Court of competent jurisdiction; Remedy against Auditor and other officers. *provided*, that from the decision of the President of the Board of Education and Superintendent of Schools, refusing or not agreeing to allow any demand payable out of the School Fund, the appeal shall be taken to the Board of Education, whose decision shall be final; but nothing herein contained shall be construed to bar the party presenting the claim from prosecuting the same in any Court of competent jurisdiction.

SEC. 100. In all cases of such appeals to the Municipal Council, or the Board of Education, if, in the opinion of said Council or of said Board deemed expedient, the opinion of the City, or City and County, Attorney shall be required, and obtained in writing, read, and filed; and upon such appeal, and in all other cases upon the approval or allowance of any demand upon the treasury or School Fund, the vote shall be taken by "yeas" and "nays," and entered upon the records. Opinion of City Attorney.

SEC. 101. The President of the Board of Aldermen, in conjunction with the Auditor and the Chairman of the

Examina-  
tion of books  
of Treasurer  
and other  
officers.

House of Delegates of such city, or city and county, shall, every month, examine the books of the Treasurer and other officers of such city, or city and county, having the collection and custody of the public funds, and shall be permitted, and it shall be their duty, to see and count over all the moneys remaining in the hands of such Treasurer, or other officer, after having previously ascertained the amount which should be remaining in his hands. The Finance Committee shall, also, twice a year, viz., on the first Monday in July and January, make the same examination of books, count said money, and report the result to the Municipal Council. If they ascertain clearly that such Treasurer, or other officer, is a defaulter, they shall forthwith take possession of all funds, books, and papers belonging to such office, and the President of the Board of Aldermen shall appoint a person to fill the same until the said defaulting officer can be proceeded against according to law, which shall be done without delay, and until the said officer shall be restored to duty or office, or until his successor shall be appointed, or elected and qualified. The person so appointed shall give bonds and take the oath of office in the same manner as was required of the officer whose place he is appointed to fill. If the Treasurer, or other officer so discharged as defaulter, be acquitted thereof, he shall resume his duties.

One twelfth  
law.

SEC. 102. Neither the Municipal Council, the Board of Education, nor any other Board, commission, committee, officer, or person, shall have power to authorize, allow, contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable, in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of such city, city and county, or the funds thereof, which shall, in the aggregate, exceed one twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment, or liability, to be expended within the fiscal year of which said month is a part; *provided, however*, that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of such city, or city and county, and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the Municipal Council, for the same purpose allowed by law in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of such city, or city and county; and all officers of such city, or city and county, are hereby charged with notice of the condition of the treasury of such city, or city and county, and the extent of the claims against the same.

SEC. 103. It is the duty of the Superintendent of Streets to keep an exact account of all street and sewer work upon accepted streets, and it shall be the duty of the Building

Committee to keep an account of all work done on all public buildings, and every other expenditure chargeable against the treasury in any of the departments under charge of said Building Committee and officers; and it is the duty of the Superintendent of Schools, the President of the Board of Education, the President of the Board of Fire Commissioners, the President of the Board of Election Directors, the President of the Board of Police Commissioners, and every other officer and Board having the power to contract any demand, or to aid in the contraction of any demand against said treasury, to keep an exact and full account of all purchases, expenditures, and liabilities made or contracted in their respective departments; and for the purpose of making such accounts, said officers shall have power to demand and receive from every other city, or city and county, officer, detailed statements in writing, when necessary to keep said accounts, and it is hereby made the duty of any and all officers to furnish said statements when demanded; such accounts shall be constantly posted up to date, so that it can be known exactly at any time what part or proportion of the monthly sum allowed by this chapter and existing laws has been contracted for, paid, or rendered liable to pay in the present and future. Such accounts shall show every contract for street and sewer work, public buildings, purchases of material, or supplies, or other expenditure, in whatever department it is made, from its incipency through the various stages of progress to completion, with the amount to be paid for the same so far as the same is capable of exact estimation, and when not, then a sworn estimate by the proper officer of the probable cost. Whenever, at any time, the contracts performed or unperformed, claims due, or to become due, exceed said one twelfth part of the amount that can be lawfully expended out of any fund in the current fiscal year, the President of the Board, head of department, or other officer or Board having the supervision of such expenditure, shall give notice thereof in writing, as to his or their department, to the Auditor, and the Treasurer, and to the Municipal Council, a notice in writing, served upon the clerks of each branch thereof, and shall post the same in his or their office, from which time no further contracts shall be made, or expenditures authorized or allowed, until such time has elapsed as will allow of further proceedings consistent with the provisions of the law.

Duties of certain officers under the one twelfth law.

SEC. 104. Any failure or neglect on the part of any of said officers or Boards, or members of Boards, to comply with any of the provisions of the preceding sections, shall render such officer, and each member of such Board consenting thereto, liable personally and upon his official bond to any contractor, or other person, suffering damage by said failure or neglect; but such contractor or person damaged shall have no remedy against such city, or city and county, and the said officers or members of Boards authorizing or aiding to authorize, auditing or allowing any claim or demand upon or against said treasury, or any fund thereof, in contravention thereof, shall be liable in person and on his official bond to the contractor

Penalty for non-compliance with law.

or person damaged, to the extent of his loss. The Treasurer paying any claim authorized, allowed, or audited, in contravention of the provisions thereof, shall be liable on his official bond to refund the same to such city, or city and county, and it shall be the duty of the City, or City and County, Attorney to sue for the same, if necessary.

Exception to  
operation of  
one twelfth  
law.

SEC. 105. In case of any great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, insurrection, or other great and unforeseen emergency, the provisions of the three preceding sections may be temporarily suspended, as to any lawful contract, authorization, or expenditure necessary to avert, mitigate, or relieve such evil; *provided*, that such expenditure, contract, or authorization shall be passed by the unanimous vote of all members elected or appointed to each house of the Municipal Council, and entered in the journals of each house, and the character and fact of such emergency must be recited in the ordinance authorizing such action; and such ordinance must be approved by the Mayor, Auditor, and Treasurer of such city, or city and county.

Printing and  
advertising  
must be let  
to lowest  
bidder.

SEC. 106. All city, or city and county, official printing and advertising, for all departments thereof, excepting that of the Sheriff's office, shall be let by the Municipal Council during the month of January of each year, to the lowest responsible bidder, printing, publishing, and proposing to advertise in a newspaper of general circulation in such city, or city and county, and that has been in existence at the time of the letting of said contract at least three years; *and provided*, that any such newspaper may bid for the whole or any part of the advertising. The bids shall be opened by the Board of Aldermen, and all bidders may be present thereat. No bid shall be considered in which there shall be any erasure or interlineation. All such contracts, when awarded, shall be entered into and bonds taken by the Clerk of the Board of Aldermen, in such sum and containing such conditions as the Board of Aldermen shall provide.

Contracts,  
how made.

SEC. 107. All contracts relating to city, or city and county, affairs, shall be in writing, signed and executed in the name of the city, or city and county, by the officer authorized to make the same; and in cases not otherwise directed by the law, such contracts shall be made and entered into by the Mayor. All contracts shall be countersigned by the Auditor and registered, by number and dates, in his office, in a book to be kept by him for that purpose. In all cases of letting contracts to bidders, when for any reason a contract fails of completion, new bids shall be invited, opened, and awarded, as provided in this chapter in the first instance, until a sufficient contract is executed. In all cases when the Board of Aldermen have reason to think the prices too high, or that bidders have combined together to prevent genuine bidding, or for any reason that the public interests will be subserved, it may, in its discretion, reject any and all bids, and cause the same to be readvertised. The provisions of this Act, as to bids and contracts, shall be enforced by the Municipal Council by appropriate ordinances as to all bids, proposals, and

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contracts with such city, or city and county, or any department thereof.

## ARTICLE IV.

## EXECUTIVE DEPARTMENT.

SEC. 118. The Mayor shall be the chief executive officer; shall be a qualified voter, at least twenty-five years of age, and shall have been a citizen of the United States, and of this State, and a resident in such city, or city and county, for three years. It shall be his duty vigilantly to observe the official conduct of all public officers of such city, or city and county, and to take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration, and disbursement of the public funds and property, for which purpose the books, records, and official papers of all Boards, officers, and magistrates of such city, or city and county, shall at all times be open to his inspection. He shall take especial care to see that the books and records of all such officers are kept in legal and proper form; and any official defalcation, or willful neglect of duty, or official misconduct which he may have discovered, or which shall have been reported to him, shall at the earliest opportunity be laid before the Municipal Council, and before the Grand Jury, in order that the public interests shall be protected and the officer in default be proceeded against according to law. He shall, from time to time, give the Municipal Council information relative to the state of such city, or city and county, and shall recommend to their consideration such measures as he may deem expedient in the interests of the city. He shall take care that the laws of the State and the ordinances of the Municipal Council are enforced.

Qualifications and duties of Mayor.

SEC. 119. Whenever and so long as the Mayor, from any cause, is unable to perform his official duties, the Board of Aldermen shall designate one of their number as Mayor pro tempore, who shall perform the same.

Mayor pro tempore.

SEC. 120. The Mayor may, by due notice, call special sessions of the Municipal Council, and shall specially state to them, when assembled, the objects for which they have been specially convened, and their actions shall be confined to such objects.

Special sessions of Council.

SEC. 121. The Auditor shall be the head of the finance department of such city, or city and county, and as such required to be constantly acquainted with the exact condition of the treasury, and every lawful demand upon it. He shall keep a public office, and give his personal attendance there daily during the office hours fixed in this chapter, and shall not follow or engage in any other occupation or calling while he holds said office. If he absents himself from his office during such office hours, except on indispensable official business or urgent necessity, he shall lose his salary for the day; and it shall be a part of his official duty to keep account of the times and occasions when he shall be so absent from duty. He shall be the general accountant of such city, or city and county, and as such it shall be his duty to receive

Duties of Auditor.

and preserve in his office all accounts, books, vouchers, documents, and papers relating to the accounts or contracts of such city, or city and county; its debts, revenues, and other fiscal affairs, and to adopt a proper mode and manner of double entry bookkeeping, and keep the accounts of such city, or city and county, general and special, in a systematic and orderly manner. He shall state and render all accounts filed or kept in his office between the city and other persons or body corporate, except when otherwise provided by law or ordinance. He shall have power to administer oaths, and shall require settlements of accounts to be verified by affidavit whenever he thinks proper. He shall be responsible for all acts of his employés.

Duties of  
Treasurer.

SEC. 122. The Treasurer of such city, or city and county, shall receive and safely keep in a secure fireproof vault, to be prepared for that purpose, all moneys belonging to or which shall be paid into the treasury, and shall not loan, use, or deposit the same or any part thereof to or with any banker or other person, nor pay out any part of said moneys except on demand authorized by this chapter, and after they have been duly audited. He shall keep the key of said vault, and not suffer the same to be opened except in his presence. At the closing up of the same each day he shall take an account and enter in the proper book the exact amount of money on hand, and at the end of every month he shall make and publish a statement of all receipts into and payments from the treasury, and on what account. If he violates any of the provisions of this section he shall be considered a defaulter, and shall be deemed guilty of a misdemeanor in office, and be liable to removal, and shall be proceeded against accordingly. If he loan or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use, or the use of any other person, in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of audited demands upon the treasury, he shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment in the State Prison for a period not less than three months nor more than ten years.

Duties of  
Treasurer.

SEC. 123. The Treasurer shall keep the money belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another, except as otherwise provided in this chapter, without an express ordinance of the Municipal Council, which can only be made during or after the end of the third quarter of the fiscal year, by a vote of two thirds of each House. The said Treasurer shall give his personal attendance at his public office, during the office hours fixed by this chapter, and if he be absent himself therefrom, except on account of sickness or urgent necessity during such office hours, he shall lose his salary for the entire day on which he was absent.

Duties of  
County  
Clerk.

SEC. 124. The County Clerk of such city and county shall take charge of and safely keep, or dispose of according to law, all books, papers, and records, which are or may be filed or deposited in his office, and of all the Courts of which he is

Clerk ; and he shall not allow any paper, files, or records to leave his custody, except when required by the Judges of the Courts, to be used by them or any of them.

SEC. 125. No Judge or officer of any Court shall make any order for the delivery by the County Clerk of such city and county, of any paper, files, or records in his custody, except bills of exceptions and statements on motion for a new trial; nor shall the Courts, or Judges thereof, have any power to make orders for the delivery of any certificate of incorporation, bonds, or other papers, filed with the said County Clerk. Whenever any of said papers are required for evidence in any of the Courts within such city and county, the County Clerk, or his deputies, shall produce the same, under subpoena or order of the Court, or furnish certified copies of the same on application, on payment to said Clerk for said copy, at the rate of ten cents per folio for each hundred words, which shall be paid into the city and county treasury by him.

Original papers not to be produced in Court except on subpoena.

SEC. 126. Neither the County Clerk nor any of his deputies shall be required to attend as witnesses, in their official capacities, outside of such city and county, except in criminal cases, unless his expenses be paid, at the rate of ten cents per mile to and from the place where he may be required, and three dollars a day for each day's attendance. A sufficient number of deputies shall be assigned by him as Court-room Clerks, to the various Courts of which he is the official Clerk, while such Courts are in session, and to do duty in the office when such Courts are not in session. He shall transfer such deputies to duty in Court, or at his office, as the exigency of the service may require, so as to efficiently perform the work in the most economical manner possible.

County Clerk not to attend as witness outside of city unless his expenses are paid.

SEC. 127. On the commencement in or removal to the Superior Court of such city and county of any civil action or proceeding, he shall collect from the plaintiff, or party instituting such proceeding or filing the first papers therein, the sum of one dollar, and pay over the same at the end of each month to the Treasurer of the law library provided for in this chapter; and the payment of the sum of one dollar shall be a condition precedent to the commencement of such action or proceeding, for which sum so required to be collected, he and his sureties shall be responsible on his official bond.

Fee for law library.

SEC. 128. The Tax Collector, upon the final settlement to be made by him as such Tax Collector, according to the requirements of the law, shall be charged with, and shall pay into the hands of the Treasurer, the full amount of all taxes paid to him under protest or otherwise, or by him collected and not previously paid over, without any deduction of commissions, fees, or otherwise; he shall also be charged with and be deemed debtor to the treasury for the full amount of all taxes due upon the delinquent list delivered to him for collection, unless it be made to appear that it was out of his power to collect the same by levy and sale of any property liable to be seized and sold therefor. If the impossibility to collect any portion of such delinquent taxes have resulted from such negligence or defects in such assessment caused by the willful misconduct of the Assessor, then the Assessor

Tax Collector to be charged with moneys, etc., coming into his hands.

whose duty it was to make the assessment shall be liable and be deemed debtor to the treasury for the amount remaining uncollected for that cause.

Election of  
Assessor and  
his duties.

SEC. 129. There shall be elected by the qualified voters of such city, or city and county, at the general State election, an Assessor, who shall take office on the first Monday after the first day of January next following his election, and hold for the term of four years, and until his successor is elected and qualified. It shall be his duty to assess all taxable property within such city, or city and county.

Duty of  
Sheriff.

SEC. 130. The Sheriff shall attend in person, or by deputy, all the Courts in and for such city and county, except the Police Courts. He shall obey the lawful orders and directions of such Courts, and in all other respects conform to the laws regulating Sheriffs in this State.

Duties  
Recorder.

SEC. 131. The Recorder of such city and county shall have the custody of all books, records, maps, and papers deposited in his office. He, or his chief deputy, when any papers are presented for registration, or to be copied, shall write on the margin of each paper so presented, the number of folios paid for, and shall, in his monthly return to the Treasurer, certify under oath the number of folios copied or registered by each deputy or copyist appointed by him; and such certificate of the Recorder or his chief deputy shall be conclusive evidence to authorize the Auditor to audit such certified accounts of such deputies or copyists monthly. He shall appoint as many copyists as he shall deem necessary to the proper discharge of the duties of his office, who shall be paid at the rate of twelve cents per folio of one hundred words for all matters registered or copied by them respectively.

Duties of  
District  
Attorney.

SEC. 132. The District Attorney is the public prosecutor, and shall be an attorney of the Supreme Court, and shall attend the Superior Court of this State, in and for such city and county, and such other Courts as may be hereafter established in and for the same, and conduct therein, on behalf of the people, all prosecutions for public offenses. He shall perform such other duties as are prescribed by law.

Duties of  
City and  
County  
Attorney.

SEC. 133. The City, or City and County, Attorney, shall be an attorney of the Supreme Court, and shall prosecute and defend all suits and actions at law and in equity, and conduct all legal proceedings, in the Courts and elsewhere, necessary to preserve and protect such city's, or city and county's, rights, whether such suits or proceedings be conducted in the name of such city, or city and county, or in the name of others. He shall give legal advice to the city government, and all the officers, Boards, and departments thereof, when required so to do, and perform such other duties as such attorney as the Municipal Council shall from time to time prescribe. He shall keep in his office well bound books of registry, in which shall be entered and kept a register of all actions, suits, and proceedings in which such city, or city and county, is interested. Each outgoing City, or City and County, Attorney shall deliver such books and all other records, law reports, quarterly reports from Municipal Boards and officers, documents, statutes, papers, furniture,

and property, in his possession, to his successor in office, who shall give him duplicate receipts therefor, one to be filed in the office of the Auditor and one to be retained by the outgoing City, or City and County, Attorney.

SEC. 134. The Public Administrator of such city, or city and county, shall be subject to the orders of the Superior Court in and for such city, or city and county, and shall perform all the duties prescribed by law. Public Administrator.

SEC. 135. The Coroner of such city, or city and county, in addition to the duties imposed by law upon every Coroner, shall keep a record of all inquests held by him, with a copy of all testimony and the inquisition of the jurors in full; and in case of loss of the original records, the same shall be admissible in evidence with like effect as the original would have been. He may appoint such deputies, and a messenger or messengers, as are allowed in this Act, or as may be hereafter allowed by the Municipal Council of such city, or city and county. He shall receive no fees for any services rendered by him. Duties of Coroner.

SEC. 136. The Superintendent of Streets shall keep a public office, in some convenient place, to be designated by the Municipal Council. His office shall be kept open as in this chapter provided. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his said office. He shall have under his special charge the construction, reconstruction, repairing, and cleansing of all public sewers, manholes, sinks, drains, cesspools, and of the public streets, highways, alleys, places, and squares, excepting the parks. It shall be his duty to see that the laws, orders, and regulations relative to the public streets and highways, alleys, places, and squares, are carried into execution, and that the penalties therefor are rigidly enforced, as may be prescribed by the Municipal Council. He shall keep himself informed of the condition of all public streets, highways, alleys, places, and squares; and should he fail to see that the laws, ordinances, and regulations relating to the public streets, highways, alleys, places, and squares, are carried into execution, after notice from any citizen of a violation thereof, such Superintendent and his sureties shall be liable upon his official bond to any person injured in person or property by such official neglect. Duties of Superintendent of Streets.

SEC. 137. The City, or City and County, Surveyor shall be Engineer-in-Chief of such city, or city and county, and of the sewerage system; shall make all necessary plans, surveys, maps, and drawings, and other necessary things, and keep the same in his office; and all such maps, plans, machinery, and drawings shall be the property of such city, or city and county, and remain in the office, and be transferred by the outgoing to the incoming officer. He shall do all necessary surveying and engineering for the streets, alleys, highways, and squares, at the request of the Municipal Council, or of any committee appointed by either branch of the same, and all or any other surveying and engineer work that such Duties of Surveyor.

Appoint-  
ment of Col-  
lector of  
Licenses and  
his duties.

city, or city and county, may require, and of the public parks, at the request of the Park Commissioners.

SEC. 138. Within twenty days after their first meeting, the Municipal Council of such city, or city and county, shall appoint a suitable person as Collector of Licenses of such city, or city and county, who shall hold office for two years from and after his appointment, and until his successor shall be appointed and qualified. In case of a vacancy occurring by death or otherwise in the office of the Collector of Licenses of such city, or city and county, holding his office under the provisions of this chapter, the same shall be filled for the remainder of the unexpired term by appointment of the Board of Aldermen; and in case of the inability of said Collector of Licenses to act, his place shall, in the same manner, be temporarily filled until such disability is removed. The Collector of Licenses and his deputies are hereby authorized, empowered, and required to collect all the municipal licenses now required to be collected, or which shall hereafter be required to be collected by them, or either of them; and it shall be the duty of said Collector of Licenses, and his deputies, or assistant Collectors, to attend to the collection of licenses, and examine all places of business and persons liable to pay licenses, and to see that licenses are taken out and paid for. They shall each have and exercise, in the performance of their official duties, the same powers as police officers in serving process or summons, and in making arrests; also, shall each have and exercise the power to administer such oaths and affirmations as shall be necessary in the discharge and exercise of their official duties; and they, and each of them, are hereby empowered to enter any place of business for which a license by law is provided and required, free of charge, at their pleasure, and to demand the exhibition of any license for the current time from any person, or firm, or corporation engaged or employed in the transaction of any business for which a license is by law rendered necessary; and if such person, or firm, or corporation, or either of them, shall be unable, or refuse, or neglect, or fail to then and there exhibit such license, he, she, or they, as the case may be, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished accordingly.

SEC. 139. The Collector of Licenses shall daily pay to the Treasurer of such city, or city and county, all moneys so collected for licenses sold, or by him received as fees; and shall, under oath, at least once in each calendar month, and oftener when required so to do by the Auditor, make to the Auditor a report of all such licenses sold and on hand, and of all amounts so paid to the City or City and County Treasurer; shall at such time exhibit to the Auditor all unsold licenses in his hands, and the Treasurer's receipts for all moneys paid into the treasury; and all licenses so signed by the License Collector, or Deputy License Collector, or either of them, shall be as valid as if signed by the City, or City and County, Treasurer. All fees so paid to him shall be placed to the credit of the proper fund by the Treasurer.

SEC. 140. The Department of Police of such city, or city and county, shall consist of: Department of Police.

*First*—A Board of Police Commissioners of such city, or city and county, consisting of five members, each of whom shall be a qualified voter, at least thirty years of age, and shall have been a citizen of the United States and of this State, and a resident of such city, or city and county, for five years next preceding his appointment, four of whom shall be appointed by the Governor and Chief Justice of the Supreme Court of the State of California, within thirty days after the organization of such city, or city and county, under this Act, and who shall hold office for the term of four years from and after the first Monday next succeeding the date of their appointment, and until their successors are appointed and qualified; and in the month next preceding the expiration of the said term, and every four years thereafter, the said Governor and Chief Justice of the Supreme Court shall appoint their successors, who shall hold office for the term of four years from and after the first Monday next succeeding the date of their appointment; but in making such appointments, the said Governor and Chief Justice shall select two qualified persons from each of the two dominant national political parties. Vacancies that may occur in the office of any of the members so appointed shall be filled by appointment by said Governor and Chief Justice, of some suitable person of the same political party as that to which the last incumbent belonged, and for the remainder of the vacant term only. The four members appointed, as hereinbefore provided, shall meet in such city, or city and county, on the first Monday next succeeding the date of their appointment, and shall forthwith organize by electing one of their number President, and shall appoint the other member of said Board, who shall be the Chief of Police of such city, or city and county. Every member of said Board shall, before he enters upon the duties of his office, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of California; that I will faithfully discharge the duties of Police Commissioner according to the best of my ability; and that in the discharge of my duties I will make no appointment to or removal from the police force for political or partisan reasons; and that I will, to the best of my ability, discharge the duties of said office impartially and uninfluenced by political considerations, or any consideration other than that of the public good." Every member of said Board who shall absent himself from such city, or city and county, for the continuous period of sixty days, shall, by force thereof, cease to be a Police Commissioner, and his office shall become vacant. No member of said Board shall be eligible to any other office during his incumbency of the office of Police Commissioner. No member of said Board shall, during his term of office, be a member of any convention, the purpose of which is to nominate candidates for office, nor act as a Judge, Inspector, Clerk, or officer of any election, or primary

Police Commissioners,  
how appointed.

Vacancies,  
how filled.

Meeting of  
Commissioners.

Oath.

Duties of  
Board.

**Duties of  
Board.**

election, or take part in any election except to deposit his vote; nor shall any member of said Board, directly or indirectly, influence, or attempt to influence or control, the political action of any member of the police force of such city, or city and county, or any employé of said department; nor shall any member of said Board collect, or suffer to be collected, from any member or employé of said department, any assessment or contribution for political purposes. A violation of any of the provisions of this section shall be a misdemeanor, and shall be cause for the immediate removal from office of the person guilty of such violation. The said Board shall hold sessions at least once a month in the office of Chief of Police, or in such other convenient place as the Municipal Council of such city, or city and county, shall designate, or in case of emergency, at such place as it shall select, and the Clerk of the Chief of Police, hereinafter provided for, shall act as Clerk of said Board. Every member of said Board, and the Clerk of said Board, shall have power to administer oaths in all matters pertinent to the business of their respective offices, and in all investigations pending before said Board, or any member thereof. The said Board shall keep a record of its proceedings. The said Board shall have power:

**Powers of  
Board.**

1. To appoint, suspend, or remove any person from the police force of such city, or city and county; *provided, however*, that the Chief of Police shall only be removable in the manner provided by law for the removal of other municipal officers.

**Prescribe  
rules.**

2. To prescribe all needful rules and regulations for the control, government, and discipline of said police force, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any of them.

**Determine  
complaints.**

3. To hear and summarily determine all complaints of misconduct, inefficiency, or other charge against any member of said police force, and to take such action thereon as shall be conducive to the maintenance of the discipline and efficiency of the same.

**Grant  
permits.**

4. To grant permits to all persons desiring to engage in the retail liquor business in such city, or city and county, and to revoke any such permit whenever it shall be made to appear to said Board that the retail liquor business of the person to whom such permit was given is conducted in a disorderly or improper manner, or whenever it shall be made to appear that the person to whom such permit was granted has, after the grant of such permit, been convicted in the Police or other Court of such city, or city and county, of disorderly or improper conduct, or of the commission of any criminal offense upon the premises whereon such retail liquor business is conducted; *provided, however*, that whenever said Board refuses to grant such permit, or proposes to revoke such permit, the person who is refused such permit, or whose permit is proposed to be revoked, shall be entitled to be heard before said Board in person or through counsel, and to have free of charge all reasonable facilities for the full, fair, and impartial hearing on the merits of his application or opposi-

tion. In such permit shall be distinctly stated and described the name of the person to whom the same is given, and the premises on which such retail business is proposed to be carried on.

5. Upon the petition of any person, firm, or corporation, to appoint a special officer to do special service to be paid for by such person, firm, or corporation, specifying the boundary or locality at or within which he is to act as such special officer, which boundary or locality shall be described in his warrant of appointment; *provided*, that no special officer shall be appointed to act in any part of such city, or city and county, commonly known as the Chinese quarter; *and provided further*, that all special officers shall report daily to the Chief of Police, and be subject to his orders in case of emergency; and in no event shall such officers be paid by such city, or city and county. Appoint special officers.

6. To prescribe the badge of office and uniform to be worn by all members of the police force, and the badge of office to be worn by all special officers. Badge.

7. To allow and order paid out of the Police Contingent Fund, for contingent expenses, any and all orders signed by the Chief of Police; *provided*, that the aggregate of such orders shall not exceed the sum of seven thousand two hundred dollars a year, which sum shall be set apart annually in the treasury of said city and county for this purpose. Contingent expenses.

8. To appoint substitutes, not to exceed four per cent of the police force, to serve under such regulations, and subject to such restrictions as it may prescribe, and without pay from such city, or city and county. Appoint substitutes.

9. To issue subpoenas, tested in the name of its President, and to enforce obedience thereto, and punish disobedience thereof, in the same manner and to the like extent as the Justices' Court of such city, or city and county; and to exercise the same powers as the said Justices' Court in preserving decorum in all open sessions of said Board, and to punish any contempt committed thereat. Issue subpoenas, etc.

10. To designate the prisons to be used for the reception of all persons arrested, convicted, or sentenced for public offenses in cases not provided for by law or by ordinance; to establish stations and station houses, or sub-stations and sub-station houses, at its discretion, for the accommodation thereof of members of the police force, and as places of temporary detention for persons arrested. Designate prisons.

11. In its discretion, on conviction of a member of the force of any legal offense, or neglect of duty, or violation of the rules of the Board, or neglect of or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or other breach of discipline, or immoral conduct, or any conduct unbecoming an officer, to punish the offending party by reprimand, forfeiting and withholding pay for a special time, suspension, or dismissal from the force; all such fines shall be immediately paid into the treasury to the credit of the Police Life and Health Insurance Fund. Discretionary power.

12. To issue to every member of the police force a proper

- Warrant of appointment.** warrant of appointment, signed by the President, and countersigned by the Clerk of the Board, which warrant shall contain the date of his appointment and his rank.
- Supplies.** 13. To make requisition on the Municipal Council of such city, or city and county, for all supplies or necessities that may be required in the administration of the department; *provided*, that the aggregate amount of the same, exclusive of salaries, shall not, in any one fiscal year, exceed the sum of five thousand dollars.
- Report, when made.** 14. To annually, on or before the first day of August, report to the Municipal Council an estimate of the amount of money that will be required to pay all salaries of the department, and of the amount of money that will be required for the administration and support of the department in such year, specifying in detail the purposes and items for which the same will be required, with the estimated cost thereof, respectively.
- Sale of property.** 15. To provide for the custody, care, restitution, sale, time, place, and manner of sale of all property that may come into the possession of the Property Clerk hereinafter provided for.
- Control Police Life Insurance Fund.** 16. To control, care for, and manage the Police Life and Health Insurance Fund hereinafter mentioned, which fund shall consist of the moneys retained from the monthly salaries of the members of the police force, fines collected from members of said force, and of such other moneys as may be contributed thereto by law, or ordinance, or by gift, devise, or bequest, and of all moneys to the credit of said fund at the time said Board shall take office, and to invest the moneys of said fund in such of the following securities as shall seem most safe and profitable, viz.: the bonds of such city, or city and county, the bonds of the State of California, and the bonds of the United States of America. The moneys and securities shall be held by the Treasurer of such city, or city and county, who shall have no power to deposit, pledge, or in any other way part with the same, except on the order of said Board.
- Payment to heirs out of fund.** 17. To order paid, upon the death of any member of the police force, out of the Police Life and Health Insurance Fund, to the heirs of such member, the sum of one thousand dollars.
- Repayment to infirm officers.** 18. To order paid, out of the Police Life and Health Insurance Fund, to any police officer who shall resign by reason of bad health or bodily infirmity, the amount of the principal sum which such officer shall have contributed thereto.
- Repayment to incompetent officers.** 19. To order paid, out of the Police Life and Health Insurance Fund, to any officer dismissed for mere incompetency, not coupled with any offense against the laws of this State, an amount not exceeding one half of the principal which such officer may have contributed thereto; *provided*, that any officer dismissed for gross neglect or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.
- Registration of demands.** 20. In case said Police Life and Health Insurance Fund shall not be sufficient to pay the demands on it, to cause such

demands to be registered, and to be paid in their order out of the fund as received.

21. When the Police Life and Health Insurance Fund shall exceed the sum of fifty thousand dollars, to allow and order paid out of the same, to any officer who shall have been permanently disabled while in the discharge of his duty as such officer, such sum as in their judgment they shall deem proper, not to exceed one thousand dollars; but in no case shall said fund be reduced thereby below the sum of fifty thousand dollars. The President of said Board shall receive a salary of three thousand dollars per annum. The other members of said Board shall each receive a salary of one thousand two hundred dollars per annum, payable monthly, at the end of each and every month.

Repayment  
of excess to  
certain  
officers.

*Second*—A Chief of Police, appointed as hereinbefore provided, who shall have power to select and designate one police officer to serve as Clerk to the Chief of Police; one police officer to serve as Property Clerk, who, before entering upon his duties, shall give bond with good and sufficient sureties in the sum of ten thousand dollars to such city, or city and county, to be approved as in cases of other official bonds, which bond shall be filed with the Auditor of such city, or city and county; twelve Detective officers, and thirty Sergeants of Police. He shall have the sole and exclusive control, direction, and superintendence of the City Prisons of such city, or city and county, and may detail to duty therein such number of officers as the exigencies shall require. In the suppression of any riot, public tumult, disturbances of the public peace, or organized resistance against the laws, or public authorities, in the lawful exercise of their functions, he shall have all the powers that now are or may be conferred upon Sheriffs by the laws of this State; and his lawful orders shall be promptly executed by all police officers, and every citizen shall also lend him aid, when required, for the arrest of offenders and the maintenance of public order. In case of great public emergency or danger, he may appoint an additional number of policemen of approved character for honesty and sobriety, who shall have the same powers as other police officers, but who shall act without pay. In case of imminent danger of riot, or actual riot, or organized resistance to the laws, he shall have power, and it shall be his duty if, in his opinion, the organized police force be insufficient in number or unequal in strength to preserve the peace and maintain public order, to make his requisition on the Governor, or in case of urgency, on the nearest military commander in the National Guard of California, for such military force as may be necessary for the occasion; and such military force shall be placed under his command until the restoration of order and tranquillity, or until the Governor declares such city, or city and county, in a state of insurrection, as provided by law. He shall keep a public office, which shall be open, and at which he, or in case of his necessary absence, a Captain of Police, or Sergeant of Police by him designated for that purpose, who shall have, during such absence, the same powers as are conferred by law upon the Chief of Police, shall

Chief of  
Police, his  
powers and  
duties.

Chief of  
Police, his  
powers and  
duties.

be in attendance at all hours of the day and night. In case of his absence from his office, it shall be made known to the Captain or Sergeant of Police in attendance where he can be found, if needed. He shall designate one or more police officers to attend constantly upon the Police Court to carry on the business, and to execute the orders and process of said Court. He shall command, supervise, and direct the police force; and shall observe, and cause to be observed and enforced, the laws and ordinances within such city, or city and county. He shall see that all lawful orders and process of the Police Court are promptly executed; and shall exercise such other powers connected with his office as may be prescribed by law, or by the rules and regulations adopted by the Board of Police Commissioners. He shall acquaint himself with all the statutes and laws in force in this State, defining public offenses and nuisances, and regulating the criminal proceedings; and shall procure and keep in his office the statutes of this State and of the United States and all elementary works on those subjects. He shall give information and advice touchingsaid laws gratuitously to all police officers asking for it. He shall have power from time to time to dispose of such sum or sums for incidental expenses as in his judgment shall be for the best interest of such city, or city and county; *provided*, that the aggregate of all such sums shall not, in any one fiscal year, exceed the sum of seven thousand two hundred dollars; but all sums so disbursed or paid shall be subject to the approval of the said Board. He may, for good cause, grant leave of absence for not more than thirty days to any member of the police force; but officers absent from the city within or without the State on official business shall not be deemed to be absentees. As Chief of Police he shall hold office for the term of four years from his appointment, and shall receive a salary of four thousand dollars per annum, payable monthly, at the end of each and every month.

Captains of  
Police, how  
appointed.

*Third*—Six Captains of Police, who shall be appointed by the Board of Police Commissioners from the members of the police force, who shall be assigned to such duty, and who shall be subject to such rules and regulations as the Chief of Police shall prescribe. They shall receive a salary of two hundred dollars per month each, payable monthly, at the end of each and every month.

Police offi-  
cers, their  
qualifica-  
tions,  
powers, and  
duties.

*Fourth*—As many police officers, not exceeding five hundred, as the Board of Police Commissioners may determine to be necessary, to be appointed by said Board; but it shall be the duty of said Board, on its first organization, to appoint as members of the police force the members of the police force, if any, then in service, unless such members be incompetent or incapable to serve. Every person applying for appointment to said police force, unless he be a member of the police force then existing in such city, or city and county, shall produce and file with the said Board a certificate, signed by not less than twelve freeholders and qualified voters of the smallest political subdivision of such city, or city and county, stating that they have been personally and well acquainted with the applicant for one year or more next

preceding the application, and that the applicant is of good repute for honesty and sobriety, and they believe him to be, in all respects, competent and fit for the office. All such certificates shall be preserved in the office of said Board, and shall not be returned to the applicant. Every appointee to said police force must be a citizen of the United States, and of this State, able to read and write the English language, and a resident of such city, or city and county, at least five years previous to his appointment, except such member of said police force as may be in service at the time of the organization of said Board; every appointee shall not be less than twenty-five nor more than forty years of age, and not less than five feet and seven inches in height, and shall, after his nomination, and before his appointment, pass a thorough examination by the Surgeon of Police, or by any physician appointed by said Board, and be found on such examination to be sound in health, and to possess the physical qualifications required for recruits for the United States army. The police officers, in subjection to the rules and regulations of the said Board, to the orders of the respective Captains, and under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels, and disturbances of the public peace, the execution of process from the Police Court in causing the abatement of public nuisances, and the enforcement of the laws and regulations of the police. They shall, as soon as practicable, upon an arrest, under penalty of dismissal from the force, or of a fine of not more than one hundred dollars, or of both, at the discretion of the Board, convey in person the offender before the nearest sitting magistrate. If the arrest is made during the hours that the magistrate does not regularly hold Court, or if the magistrate is not holding Court, such offender may be detained in a station house until the next public sitting of the magistrate, and no longer, unless discharged on bail, according to law. No member of the police force shall be eligible to any other office while a member of such force, nor shall he take any part whatever in any convention held for the purposes of a political party; nor shall he be a member of any political club; nor shall he be allowed to interfere with politics on the day of election, or at any time while employed on said force, except to cast his vote. No member of said police force, while on duty, shall enter into any liquor saloon, barroom, or place where liquors are retailed, except when necessary in the discharge of his duties, on penalty of reprimand, fine, suspension, or removal from office. No member of the police force shall devote his time to any other profession or calling, become bail for any person charged with any offense whatever, solicit counsel or attorneys for prisoners, receive any present or reward for official services rendered, or to be rendered, unless with the knowledge and approbation of a majority of said Board; such approbation to be given in writing and certified by the Clerk of said Board. Police officers who shall be selected to act as Sergeants of Police, and police officers who shall be selected to act as

Police officers, their qualifications, powers, and duties.

Salary.

detective police officers, shall each receive a salary of one hundred and twenty-five dollars per month, payable monthly, at the end of each and every month. The police officer who shall be selected to act as Clerk to the Chief of Police, and the police officer who shall be selected to act as Property Clerk, shall each receive a salary of one hundred and fifty dollars per month, payable monthly, at the end of each and every month. All other police officers shall each receive a salary of one hundred and two dollars per month, payable monthly, at the end of each and every month; *provided*, that the Treasurer of such city, or city and county, is hereby authorized to deduct and retain from the salary of each member of said police force, two dollars from every month's salary, to be paid into the fund of the Police Life and Health Insurance Fund herein mentioned.

Surgeon of Police and his duties.

*Fifth*—A Surgeon of Police, whose duty it shall be to attend to all cases of accident or sickness at the several police stations, to attend all officers who may be taken sick or injured in the discharge of their duty, to examine all applicants for appointment on the police force, and to perform such other duties as the Board of Police Commissioners may from time to time prescribe. He shall be appointed by the said Board, and shall hold office during its pleasure, but he shall not be removed without just cause. He shall receive a salary of two hundred dollars per month, payable monthly, at the end of each and every month.

Fire Commissioners, how appointed and term of office.

SEC. 141. There shall be a Board of Fire Commissioners of such city, or city and county, consisting of five persons, possessing the same qualifications of eligibility as are herein prescribed for the members of the Board of Aldermen, who shall be appointed by the Mayor, with the advice of the Board of Aldermen, and shall hold office for the term of four years from and after the time of their appointment, and no more than three of whom shall belong to the same national political party; *provided*, that the Fire Commissioners now acting as such in such city, or city and county, shall continue to hold their respective offices until the expiration of the term for which they may have been respectively elected or appointed.

Powers and duties of Fire Commissioners.

SEC. 142. The said Board of Fire Commissioners shall supervise and control said Fire Department, its officers, members, and employes, subject to the laws governing the same, and shall see that the officers, members, and employes thereof faithfully discharge their duties, and that the laws, orders, and regulations relating thereto are carried into operation and effect. They shall not, nor shall either of them, or the Chief Engineer, or Assistant Chief Engineer, or Assistant Engineers of said Fire Department, be interested in any contracts pertaining in any manner to said Fire Department, or the sale, furnishing of apparatus or supplies for the same; and all contracts in violation of this section are declared void, and any of said persons violating the provisions of this section shall be deemed guilty of misdemeanor, and, upon conviction, shall be punished accordingly. The Municipal Council of such city, or city and county, shall have power to

contract and provide for all cisterns, hydrants, apparatus, horses, supplies, engine, hose, and hook and ladder houses, and all alterations and repairs required; and said Board of Fire Commissioners shall supervise all contracts awarded and work done for the said Fire Department, and shall see that all contracts awarded and work done are faithfully performed. The said Board of Fire Commissioners shall have power to prescribe the duties of the officers, members, and employes of said Fire Department, and to adopt rules and regulations for the management and discipline thereof; and a majority of them shall certify to the correctness of all claims and demands, before the same shall be paid. And the Municipal Council is authorized and required to provide and furnish for the use of the Board of Fire Commissioners a suitable room or rooms in some of the buildings of such city, or city and county, to serve as an office for their meetings and the transaction of business relating to said Fire Department, in which their Clerk, Janitor, and Messenger shall be in attendance daily during office hours. The Chief Engineer, Assistant Chief Engineer, and Assistant Engineer of said Department shall also make it their headquarters daily during office hours, when not otherwise engaged in official duties. And the said Municipal Council shall furnish the Chief Engineer, and also the Assistant Chief Engineer and Assistant Engineers hereinafter mentioned, with a horse and buggy, and shall provide for keeping the same.

SEC. 143. The officers of the Fire Department of such city, or city and county, shall be: Officers of  
Fire  
Department.

1. Five Fire Commissioners, to be appointed as aforesaid.
2. One Chief Engineer.
3. One Assistant Chief Engineer.
4. Four Assistant Engineers.
5. One Superintendent of Steam Fire Engines.

SEC. 144. The members and employes of said Fire Department shall be:

1. One Assistant Superintendent of Steam Fire Engines.
2. One Clerk and Storekeeper for the Corporation Yard.
3. One Corporation Yard Drayman.
4. One Night Watchman of Corporation Yard.
5. Two Hydrantmen.
6. One Veterinary Surgeon.
7. One Foreman of each company.
8. One Engineer for each steam fire engine.
9. One Substitute Engineer and Machinist.
10. One Driver for each company.
11. One Fireman for each steam engine company.
12. One Carpenter.
13. One Tillerman for each hook and ladder company.
14. One Steward for each hose company.
15. One Janitor and Messenger.
16. One Clerk.

SEC. 145. All paid members of said Fire Department, except the Veterinary Surgeon, Foreman, Assistant Foreman, Company Clerks, Hosemen, Hook and Ladder men, and Stewards of Volunteer Companies, shall give their undivided Paid mem-  
bers of  
Department  
to give  
entire time  
to duties.

attention to their respective duties, but the Foreman, Assistant Foreman, Company Clerks, Hosemen, and Hook and Ladder men, and Stewards of Volunteer Companies, shall perform such duties as may be prescribed from time to time by said Board of Fire Commissioners and ordered to be executed by the Chief Engineer.

Certain officers, how appointed.

SEC. 146. The Chief Engineer, the Assistant Chief Engineer, the Superintendent of Steam Fire Engines, the Assistant Engineers, the Clerk, and all members and employes of the Fire Department, shall be appointed by the Fire Commissioners, and retain their positions during good behavior; and it shall be the duty of such Fire Commissioners, on their first organization under this Act, to appoint as members thereof the officers and members of any fire department which shall be in service in any such city, or city and county, at the time of its organization under this Act. No officer, member, or employe of said Fire Department shall be removed for political reasons.

Fire Department to consist of what.

SEC. 147. The Fire Department of such city, or city and county, shall consist of such engine, hook and ladder, and hose companies as shall be recommended by the Board of Fire Commissioners, and determined by the Municipal Council necessary to afford protection against fire; *provided*, that as an auxiliary thereto, patent fire extinguishers may also be purchased and employed, if, in the judgment of said Board, deemed advisable; *provided*, that no hand engine shall be purchased for the use of said department, but such as shall be in possession of such city, or city and county, prior to its organization under this Act, may be used in such localities and under such regulations as the Board of Fire Commissioners may prescribe. The companies of said department shall be organized as follows: Each steam fire engine company shall consist of (1) one Foreman, one (1) Engineer, one (1) Driver, one (1) Fireman, and eight (8) Hosemen; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk. Each hook and ladder company shall consist of one (1) Foreman, one (1) Driver, one (1) Tillerman, and twelve (12) Hook and Ladder men; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk. Each hose company shall consist of one (1) Foreman, one (1) Driver, one (1) Steward, and six (6) Hosemen; one (1) of whom shall act as Assistant Foreman, and one (1) as Clerk.

Organization of companies.

Duties of Chief Engineer.

SEC. 148. The Chief Engineer shall be the executive officer of said Fire Department, and it shall be his duty (and that of the Assistant Chief Engineer and Assistant Engineers) to see that the laws, orders, rules, and regulations concerning the same are carried into effect, and also to attend to such duties as Fire Wardens as may be required, and to see that all laws, orders, and regulations established in such city, or city and county, to secure protection against fire, are enforced. It shall also be the duty of the Chief Engineer to enforce the rules and regulations made from time to time to secure discipline in said Fire Department, and he shall have power to suspend any subordinate officer, member, or employe for a violation of the same, and shall forthwith report in writing,

with his reasons therefor, to the Board of Fire Commissioners for their action. He shall diligently observe the condition of the apparatus and workings of said department, and shall report in writing, at least once in each week, to said Board of Fire Commissioners, upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper; and in the absence or inability of the Chief Engineer to act, the Assistant Chief Engineer shall assume the duties of said office of Chief Engineer.

SEC. 149. The person elected as Clerk by said Board of Fire Commissioners shall, before entering upon the discharge of his duties, execute a bond, with two or more sureties, in the penal sum of twelve thousand (\$12,000) dollars, for the faithful discharge of his duties, which bond shall be approved by said Board of Fire Commissioners, and the Mayor of such city, or city and county, and when so approved, shall be filed in the office of the Auditor. The amount of said bond may be increased from time to time, when directed by the Board of Fire Commissioners, should it deem it necessary for the public good; said Clerk shall attend daily, during office hours, at the office of the Board of Fire Commissioners (which shall be the office of the Chief Engineer, Assistant Chief Engineer, and Assistant Engineers); shall perform the duties of Clerk to said Board and Chief Engineer, and shall perform such other duties from time to time as said Board may prescribe. The Clerk and Storekeeper for the Corporation Yard shall, before entering upon his duties, furnish a bond in the sum of ten thousand (\$10,000) dollars, to be approved in the same manner as the bond provided for in this section, to be given by the Clerk of said Board of Fire Commissioners, and filed with the Auditor.

SEC. 150. The Mayor of such city, or city and county, upon the recommendation of the Board of Fire Commissioners, with the approval of the Municipal Council, is authorized to sell at private or public sale from time to time any or all of the engines, hose carriages, engine houses, lots on which such houses stand, or parts of lots (or to exchange any of said lots, when in their judgment demanded by the public good), or other property which shall not be required for the use of the department, and to execute, acknowledge, and deliver good and sufficient deeds or bills of sale for the same, paying the proceeds of such sales into the county treasury, to the credit of the proper fund.

SEC. 151. The Municipal Council of such city, or city and county, is hereby authorized and required to appropriate, allow, and order paid annually out of the General Fund of such city, or city and county, the salaries hereinafter specified and allowed, and salaries at similar rates to the several officers and men of any additional companies created as aforesaid, and the Municipal Council is required to appropriate, allow, and order paid, out of the General Fund, a sum not to exceed eighty thousand (\$80,000) dollars annually for running expenses, horse feed, repairs to apparatus, and for the construction and erection of cisterns and hydrants, and

Clerk of Board, his bond and duties.

Clerk and Storekeeper.

Property of Department, how sold.

Appropriation for purchase of horses, supplies, etc.

for the erection and repair of buildings, and other expenses of the Fire Department. To appropriate a sum not to exceed thirty thousand (\$30,000) dollars for the purchase of horses and apparatus for the Fire Department.

Allowance  
to disabled  
member.

SEC. 152. Whenever a member of the Paid Fire Department of such city, or city and county, shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, the Municipal Council, upon the recommendation of the Board of Fire Commissioners, is hereby authorized and empowered to allow said disabled man a sum not exceeding fifty (\$50) dollars per month, for not to exceed three (3) months, payable out of the General Fund of such city, or city and county, in the same manner and form as other payments are made out of said fund.

"Fireman's  
Charitable  
Fund."

SEC. 153. The Municipal Council shall provide, by ordinance, for the payment into a "Fireman's Charitable Fund" of such city, or city and county, of all moneys received for licenses for the storage, manufacture, or sale of gunpowder, blasting powder, gun cotton, fireworks, nitro-glycerine, dynamite, or any explosive oils or compounds, or as a municipal tax upon the same; also, all fines collected in the Police Court for violations of fire ordinances. Said fund shall be under the direction and control of and subject to such regulations as may be prescribed by the Board of Fire Commissioners.

Assistant  
Foreman  
and Clerk.

SEC. 154. The Chief Engineer shall have power to appoint one member of each company to act as Assistant Foreman; also, one member to act as Clerk; said Clerk to receive five (\$5) dollars per month extra pay.

Organiza-  
tion of  
Board and  
time of  
meeting.

SEC. 155. The Fire Commissioners shall organize said Board immediately upon their appointment, and on the first Monday after the first day of January of each and every year thereafter, by selecting one of their number as President, and they shall meet at least once in each month publicly at their office, to transact the business of said Fire Department; and, in addition to the stated meetings, they shall meet twice in each month for the purpose of investigating charges against officers, members, and employes of said department for violating any of the rules and regulations thereof; and shall hold such intermediate sessions as they shall deem necessary to the proper administration of the Fire Department. No person shall be eligible to any position in said department who is not a citizen of the United States, or a resident of such city, or city and county, at least two years, nor under twenty-one (21) years of age at the time of his appointment.

Eligibility.

Investiga-  
tions, how  
conducted.

SEC. 156. In all investigations for violation of the rules and regulations of the Fire Department, the President of the Board of Fire Commissioners shall have power to issue subpoenas, and administer oaths, and compel the attendance of witnesses before him by attachment or otherwise. All subpoenas issued by him shall be in such form as he may prescribe, and shall be served by any police officer or by any peace officer of such city, or city and county. Any person who refuses to attend or testify in obedience to such subpoe-

nas, shall be deemed guilty of contempt, and be punished by him as in cases of contempt in Justices' Court in civil cases.

SEC. 157. No officer, member, or employé of the Fire Department shall be dismissed unless for cause, nor until after a trial. The accused shall be furnished with a written copy of the charges against him at least five (5) days previous to the day of trial, and he shall have an opportunity to examine witnesses in his behalf, and all witnesses shall be examined under oath, and all trials shall be public. Members,  
how  
dismissed.

SEC. 158. The Municipal Council of such city and county is hereby authorized and empowered to establish and maintain at the Corporation Yard a workshop for making repairs and improvements upon the apparatus of the Fire Department, and such workshop and such repairs and improvements to be under the supervision of the Board of Fire Commissioners, and the Municipal Council shall allow and order paid, out of the proper fund, all the expenses of such workshops, repairs, and improvements. Workshop at  
Corporation  
Yard.

SEC. 159. No member of said Board of Fire Commissioners shall, during his term of office, be a member of any party convention, the purpose of which is to nominate candidates for political office, nor shall the officers, members, or employés of said Fire Department take any part whatever in any partisan convention, held for the purposes of a political party; nor shall any member of the said Board of Fire Commissioners, directly or indirectly, attempt to control or influence the action of any member of said Fire Department, or any employé thereof, in any primary or general election. No member of the Fire Department shall levy, collect, or pay any amount of money as an assessment or contribution for political purposes. Any violation of the foregoing provisions of this section shall be deemed a misdemeanor. Restrictions  
on members.

SEC. 160. The salaries of the officers of the Fire Department shall be paid in monthly installments, and as follows: Salaries of  
officers of  
Fire Depart-  
ment.

1. The salary of the Fire Commissioners shall be one thousand two hundred dollars per annum.

2. The salary of the Chief Engineer shall be four thousand dollars per annum.

3. The salary of the Assistant Chief Engineer shall be two thousand four hundred dollars per annum.

4. The salaries of the Assistant Engineers shall each be one thousand eight hundred dollars per annum.

5. The salary of the Superintendent of Steam Fire Engines shall be twenty-four hundred dollars per annum.

SEC. 161. The salaries of the members and employés of the Fire Department shall be paid in monthly installments, and as follows:

1. The salary of Assistant Superintendent of Steam Fire Engines shall be one thousand six hundred and eighty dollars per annum.

2. The salary of the Clerk and Storekeeper for the Corporation Yard shall be one thousand five hundred dollars per annum.

3. The salary of the Corporation Yard Drayman shall be one thousand and eighty dollars per annum.

Salaries of  
officers of  
Fire Depart-  
ment.

4. The salary of the Night Watchman for the Corporation Yard shall be nine hundred dollars per annum.

5. The salary of the two Hydrantmen shall be one thousand and eighty dollars per annum each.

6. The salary of the Veterinary Surgeon shall be twelve hundred dollars per annum.

7. The salary of the Foreman of each company shall be five hundred and forty dollars per annum.

8. The salary of the Engineer for each Steam Fire Engine Company shall be one thousand six hundred and eighty dollars per annum.

9. The salary of the Substitute Engineer and Machinist shall be one thousand six hundred and eighty dollars per annum.

10. The salary of the Driver for each company shall be one thousand and eighty dollars per annum.

11. The salary of the Fireman for each Steam Fire Company shall be one thousand and eighty dollars per annum.

12. The salary of the Carpenter for said department shall be one thousand two hundred dollars per annum.

13. The salary of the Tillerman for each Hook and Ladder Company shall be one thousand and eighty dollars per annum.

14. The salary of the Steward for each Hose Company shall be nine hundred and sixty dollars per annum.

15. The salary of each Hoseman and each Hook and Ladder man shall be four hundred and eighty dollars per annum.

16. The salary of the Janitor and Messenger shall be twelve hundred dollars per annum.

17. The salary of the Clerk of the Board of Fire Commissioners shall be one thousand eight hundred dollars per annum.

Fire Alarm  
and Police  
Telegraph.

SEC. 162. There shall be maintained and provided for by the Municipal Council in such city, or city and county, a Fire Alarm and Police Telegraph for municipal use, and the Superintendent thereof shall be appointed by the Board of Fire Commissioners, to serve during its pleasure, except that he shall not be removed for political causes, reasons, or purposes. Said Superintendent is authorized to appoint the following officers and employes: One Chief Operator, three Operators, one Repairer, two Assistant Repairers, and one Batterymen. It shall be the duty of such Board, on their first organization under this Act, to appoint as officers and employes thereof, the officers and employes of any Fire Alarm and Police Telegraph which shall be in service in such city, or city and county, at the time of its organization under this Act.

Salaries of  
officers of  
Fire Alarm,  
etc.

SEC. 163. The salaries of the officers of said Fire Alarm and Police Telegraph shall be paid in monthly installments, and as follows:

1. The salary of the Superintendent shall be two thousand four hundred dollars per annum.

2. The salary of the Chief Operator shall be one thousand eight hundred dollars per annum.

3. The salary of each of the three Operators herein pro-

vided for shall be one thousand five hundred dollars per annum.

4. The salary of the Repairer shall be one thousand two hundred dollars per annum.

5. The salary of each of the two Assistant Repairers herein provided for shall be one thousand and eighty dollars per annum.

6. The salary of the Batteryman shall be nine hundred dollars per annum.

SEC. 164. The Municipal Council shall appropriate such sum as may be necessary, not exceeding fifteen thousand dollars per annum, for the maintenance, repair, and extension of said telegraph, and to defray the cost of instruments and machinery therefor, and for such horses and vehicles as may be necessary for the use of said Superintendent. Appropriation.

SEC. 165. There shall be a Board of Health for such city, or city and county, which Board shall consist of the Mayor of the city and county, and five physicians in good standing, residing in such city, or city and county, who shall be appointed by the Governor, and who shall hold office for the term of four years, and until their successors are appointed and qualified; and in case any vacancy shall at any time occur in said Board by removal, or resignation, or otherwise, the same shall be filled by appointment by the Governor. Board of Health, how constituted.

SEC. 166. The Mayor of such city, or city and county, shall be ex officio President of the Board of Health, and in his absence, at any meeting, the Board may elect a Chairman, who shall, for the time, be clothed with all the power of the President. Said Board shall hold a regular meeting at least once in each month, and at other times, when called thereto by the President, or by a majority of the Board. Meetings.

SEC. 167. Said Board of Health is hereby invested with general jurisdiction over all matters appertaining to the sanitary condition of such city, or city and county, and over all quarantine regulations and the enforcement thereof, and hospitals and almshouses, and all municipal institutions created and maintained for charitable purposes and not herein enumerated, within the corporate limits of such city, or city and county, and adopt such orders and regulations as may be necessary to the complete exercise of the powers hereinbefore enumerated, and may appoint or discharge such attendants and employes as may seem best to promote the public welfare. Jurisdiction of Board of Health.

SEC. 168. The members of said Board of Health shall receive no salary. Salary.

SEC. 169. Said Board of Health shall have power to appoint the following officers and employes, who shall receive the salaries hereinafter provided, payable in monthly installments at the end of each month, viz.: Salaries of officers appointed by Board of Health.

1. One Health Officer, who shall be the executive officer of said Board, at a salary of twenty-four hundred dollars per annum.

2. One Quarantine Officer, at a salary of eighteen hundred dollars per annum.

Salaries of  
officers  
appointed by  
Board of  
Health.

3. One Secretary, at a salary of twenty-four hundred dollars per annum.

4. Six Health Inspectors and one Market Inspector, at a salary of twelve hundred dollars per annum each; one Messenger, at nine hundred dollars per annum.

5. One Superintendent of the City, or City and County, Hospital, who shall be a physician and graduate of some medical college in good standing, at a salary of twenty-four hundred dollars per annum.

6. One Resident Hospital Physician, at a salary of fifteen hundred dollars per annum.

7. One Hospital Steward, at a salary of twelve hundred dollars per annum.

8. One Hospital Matron, at a salary of nine hundred dollars per annum.

9. One Hospital Apothecary, at a salary of twelve hundred dollars per annum.

10. One Hospital Engineer, at a salary of nine hundred dollars per annum.

11. Two physicians and two surgeons, to be selected from the Faculty of the Medical Department of the University of California, and two physicians and two surgeons, to be selected from the Faculty of the Pacific Medical College, at such salary as the Board of Health may designate, not to exceed twelve hundred dollars each per annum, as visiting physicians and surgeons to the City, or City and County, Hospital.

12. One Almshouse Superintendent, at a salary of two thousand four hundred dollars per annum.

13. One Resident Almshouse Physician, at a salary of fifteen hundred dollars per annum.

14. One Almshouse Matron, at a salary of seven hundred and twenty dollars per annum.

15. One City Physician, at a salary not to exceed eighteen hundred dollars per annum.

16. One Assistant City Physician for the Industrial School and House of Correction, at a salary of twelve hundred dollars per annum.

17. One First Cook, at a salary of sixty dollars per month.

18. One Second Cook, at a salary of thirty-five dollars per month.

19. One Third Cook, at a salary of thirty dollars per month.

20. One Baker, at a salary of seventy-five dollars per month.

21. One Clerk, at a salary of forty dollars per month.

22. One Interpreter, at a salary of forty dollars per month.

23. One Ambulance Driver, at a salary of forty dollars per month.

24. Sixteen Nurses, at a salary of thirty-five dollars each.

Appointing  
power.

SEC. 170. The appointing power of all and every of the aforesaid officers and employes is vested solely in said Board of Health, and said Board shall have power to prescribe the duties of every and all of said officers and employes, and to remove the same at pleasure; and said Board of Health is hereby empowered to employ such additional

employés as may be necessary to carry out the purposes of this Act, at such compensations as said Board of Health may fix.

SEC. 171. The salaries of the officers and employés of said Board of Health, and all other expenses legally incurred by said Board under the provisions of this chapter, shall be payable out of the General Fund of the treasury of such city, or city and county; and the Auditor of such city, or city and county, is hereby directed to audit all such demands, and the Treasurer of such city, or city and county, is hereby directed to pay the same out of said General Fund. The said Board of Health shall, annually, upon the third Monday of April of each year, transmit, in writing, to the Municipal Council of such city, or city and county, an estimate of the amount of money necessary to defray all of the expenditures of said Board of Health for the next fiscal year; and the Board of Health shall not expend, in any one fiscal year, an amount exceeding the amount of such estimate so transmitted by said Board of Health for such fiscal year, allowed upon such estimate by the Municipal Council, except in case of an epidemic of any contagious disease, when such Board of Health is hereby authorized to increase such expense as may be deemed necessary for the public safety; and all such expenses shall be payable out of the General Fund of such city, or city and county, at the same time and in the same manner provided for other expenses of said Board. Nothing in this Act shall be construed to authorize said Board of Health to contract for or purchase supplies for any of the charitable institutions placed under its control by this chapter. All contracts for any of the work authorized by this chapter to be caused to be performed by said Board of Health shall be awarded by said Board to the lowest responsible bidder, after notice, for not less than five days, in two daily newspapers published in such city, or city and county, under such regulations and requirements as said Board of Health may adopt.

SEC. 172. It shall not be lawful for any Superintendent or other principal officer in charge of any almshouse in such city, or city and county, to have or receive any perquisites, or to derive any income or revenue therefrom, either directly or indirectly, other than the salary allowed to him by the Board of Health; nor shall it be allowable for any subordinate officer or employé to have or receive any perquisite, either directly or indirectly; and it shall be the duty of the Board of Health to remove any such Superintendent, or other principal officer, or any subordinate officer, or employé, who violates any provision of this section. All fees authorized by any of the provisions of this chapter, to be collected by any officer or employé of the Board of Health, shall be immediately paid by such officer or employé to the Secretary of said Board of Health, who shall, upon the first Monday of each month, pay the same into the treasury of such city, or city and county, to be credited to the proper fund.

SEC. 173. Shipmasters bringing vessels into the harbor of any such city, or city and county, and all masters, owners, or

Report of  
shipmasters  
of conta-  
gious  
disease.

consignees having vessels in such harbor, which have on board any cases of Asiatic cholera, smallpox, yellow, typhus, ship fever, or any other contagious disease, must report the same, in writing, to the Quarantine Officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they, or either of them, become aware of the existence of either of these diseases on board of their vessels.

Restrictions  
on shipmas-  
ters, etc.

SEC. 174. No captain or other officer in command of any vessel sailing under a register, arriving at the port of any such city, or city and county, nor any owner, consignee, agent, or other person having charge of such vessel, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any freight, passengers, or other persons from such vessels, until he has reported to the Quarantine Officer, presented his bill of health, and received a permit from that officer to land freight, passengers, and other persons.

Duty of  
pilot.

SEC. 175. Every pilot who conducts into the port of any such city, or city and county, any vessel subject to quarantine, or examination by the Quarantine Officer, must:

1. Bring the vessel no nearer such city, or city and county, than is allowed by law.

2. Prevent any person from leaving such vessel, and any communication being made with the vessel under his charge, until the Quarantine Officer has boarded her and given the necessary orders and directions.

3. Be vigilant in preventing any violation of the quarantine laws, and report, without delay, all such violations that come to his knowledge, to the Quarantine Officer.

4. Present the master of the vessel with a printed copy of the quarantine laws, unless he has one.

5. If the vessel is subject to quarantine, by reason of infection, place at the masthead a small yellow flag.

Duty of  
master of  
vessel.

SEC. 176. Every master of a vessel subject to quarantine, or visitation by the Quarantine Officer, arriving in the port of any such city, or city and county, who refuses or neglects either:

1. To proceed with and anchor his vessel at the place assigned for quarantine, when legally directed so to do; or,

2. To submit his vessel, cargo, and passengers to the Quarantine Officers, their inspection, examination, and direction, and furnish all necessary information to enable that officer to determine to what quarantine or other regulations they might respectively be subject; or,

3. To report all cases of disease and of death occurring on his vessel, and to comply with all the sanitary regulations of such port or harbor;

Is liable in the sum of five hundred dollars for every such neglect or refusal.

Master of  
infected ves-  
sel must  
report.

SEC. 177. All vessels arriving off the port of any such city, or city and county, from ports which have been legally declared infected ports, and all vessels arriving from ports where there is prevailing, at the time of their departure, any contagious, infectious, or pestilential diseases, or vessels with

decaying cargoes, or which have usually foul or offensive holds, are subject to quarantine, and must be by the master, owner, pilot, or consignee, reported to the Quarantine Officer without delay. No such vessel must pass within the bounds prohibited them by the Board of Health, until the Quarantine Officer has boarded her and given the order required by law.

SEC. 178. The Quarantine Officer must board every vessel subject to quarantine or visitation by him, immediately on her arrival, make such examinations and inspection of vessels, books, papers, or cargo, or of persons on board, under oath, as he may judge expedient, and determine whether the vessel should be ordered to quarantine, and if so, the period of quarantine.

Duty of Quarantine Officer.

SEC. 179. No captain, or other officer, in command of any passenger-carrying vessel of more than one hundred and fifty tons burden, nor of any vessel of more than one hundred and fifty tons burden having passengers on board, nor any consignee, owner, agent, or other persons having charge of such vessel or vessels, must, under a penalty of not less than one hundred dollars nor more than one thousand dollars, land, or permit to be landed, any passenger from the vessel, until he has presented his bill of health to the Quarantine Officer and received a permit from that officer to land such passengers, except in such cases as the Quarantine Officer deems it safe to give the permit before seeing the bill of health.

Masters of certain vessels not to permit landing until he receives permit.

SEC. 180. The following fees shall be collected by the Quarantine Officer for giving a permit to land freight or passengers, or both: From any sailing vessel of less than five hundred tons burden, from any port out of this State, two dollars and fifty cents; five hundred and under one thousand tons burden, five dollars; each additional one thousand tons burden, or fraction thereof, an additional two dollars and fifty cents; for steam vessels, propelled in whole or in part by steam, of one thousand tons burden or less, five dollars, and two dollars and fifty cents additional for each additional one thousand tons burden or fraction thereof. But vessels not propelled in whole or in part by steam, sailing to and from any port or ports of the Pacific States, of the United States or Territories, and whaling vessels entering the harbor of any such city and county, are excepted from the provisions of this section.

Fees.

SEC. 181. The Board of Health may enforce compulsory vaccination on passengers or variola-infected ships, or coming from ports infected with the same.

Duty of Board of Health.

SEC. 182. The Board of Health shall establish quarantine grounds at such points and places as in its judgment may best conduce to public safety; may provide suitable hospitals whenever the same are required for the public safety, and furnish and supply the same with nurses and attachés, and remove thereto all persons afflicted with cholera, smallpox, yellow, typhus, ship fever, or other contagious diseases; *provided*, said quarantine grounds and hospitals shall not be

Same.

established within one mile of the main land on the north side of the Bay of San Francisco.

Duty of  
Board of  
Health.

SEC. 183. The Board of Health must cause to be kept a record of all births, deaths, and interments occurring in such city, or city and county, coming under the provisions of this chapter. Such records, when filed, must be deposited in the office of the City, or City and County, Recorder, and produced when required for public inspection.

Duty of  
physicians  
and mid-  
wives.

SEC. 184. Physicians and midwives must, on or before the fourth day of each month, make a return to the Health Officer of all births, deaths, and the number of stillborn children occurring in their practice during the preceding month. In the absence of such attendants, the parents must make such report within thirty days after the birth of the child. Such returns must be made in accordance with rules adopted by, and upon blanks furnished by, the Board of Health.

Human  
bodies not to  
be buried  
without per-  
mit.

SEC. 185. No person shall deposit in any cemetery, or inter in any such city, or city and county, any human body, without first having obtained and filed with the Health Officer a certificate, signed by a physician or midwife, or Coroner, setting forth as near as possible the name, age, color, sex, place of birth, occupation, date, locality, and the cause of death of deceased, and obtain from such Health Officer a permit. The physicians, when death occurs in their practice, must give the certificate herein mentioned. It shall be the duty of the said Board of Health to see that the dead body of a human being is not allowed to remain in any public receiving vault for a longer period than five days. At the expiration of that time it shall cause the body to be buried, or to be placed in a vault or niche, constituted of brick, stone, or iron, and hermetically sealed. It shall also be the duty of said Boards to require all persons having in charge the digging of graves, and the burial of the dead, to see that the body of no human being who has reached ten years of age shall be interred in a grave less than six feet deep, or if under the age of ten years, the grave to be not less than five feet deep. The Board of Health shall have entire charge of all cemeteries belonging to such city, or city and county, and may employ a Superintendent thereof, at a salary not to exceed seventy-five dollars per month, the same to be paid out of the General Fund as the salaries of the other employes are paid.

Duty of  
Superin-  
tendent of  
cemeteries.

SEC. 186. Superintendents of all cemeteries in any such city, or city and county, must return to the Health Officer, on each Monday, the names of all persons interred or deposited within their respective cemeteries during the preceding week, and no Superintendent of a cemetery, or any other person, can remove, or cause to be removed, or cause to be disinterred, any human body or remains that have been deposited in a cemetery, without a permit therefor from the Health Officer, or by order of the Coroner.

SEC. 187. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place within the limits of such city, or city and county, the body or remains of any deceased

person, unless a permit for so doing shall have first been obtained from the Health Officer of such city, or city and county. Nor shall any body or remains disinterred, exhumed, or taken from any grave, vault, or other place of burial or deposit, be transported in or through the streets or highways of any such city, or city and county, unless the person or persons removing or transporting such body or remains shall first obtain from the Health Officer a permit, in writing, therefor, as aforesaid. But when an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of such city, or city and county, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove, and said permit shall accompany the remains.

Human body not to be disinterred without permit.

SEC. 188. Permits to disinter or exhume the bodies or remains of deceased persons and to transport the same, or to exhume, or to transport, as in the last section provided, may be granted, in the discretion of the Health Officer, and under such restrictions and conditions only as he, in his judgment, may affix, so as in the best possible manner to protect the public health. The Health Officer shall prepare a book of blank permits in proper form, and consecutively numbered, containing stubs, on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, date of death, destination of remains sought to be removed, and upon granting each permit shall be required to be paid to him the sum of ten dollars therefor, for the use and benefit of the General Fund of such city, or city and county.

Discretion of Health Officer.

SEC. 189. Any person or persons who shall disinter, exhume, or remove, or cause to be disinterred, exhumed, or removed from a grave, vault, or other receptacle or burial place, the remains of a deceased person, without a permit therefor, shall be guilty of a misdemeanor, and be punished by fine not less than fifty dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Penalty of disintering without permit.

SEC. 190. Any person or persons who shall transport, or cause to be transported, on or through the streets or highways of any such city, or city and county, the body or remains of a deceased person which has been disinterred or exhumed without a permit therefor, in accordance with this chapter, shall be guilty of a misdemeanor, and be punished as provided in the preceding section.

Penalty for transporting body without permit.

SEC. 191. Nothing in this chapter contained shall be taken to apply to the removal of the remains of the deceased person from one place of interment to another place of interment, or cemetery, within this State.

Exception.

SEC. 192. No person, master, captain, or conductor in charge of any boat, vessel, or railroad car, or public or private conveyance, shall receive for transportation, or shall transport the body of any person who has died within the limits of such city, or city and county, without said body is accompanied by a permit for such transportation from the

Penalties.

Health Officer, which permit shall accompany the body to its destination; and no person, master, captain, or conductor, as aforesaid, shall bring into or transport through any such city, or city and county, the dead body or remains of any person unless it be accompanied with a certificate from some proper authority of the place from whence it came, stating the name, age, sex, and cause of death, which certificate shall be filed at the Health Office; *provided*, that in no case shall the body of any person who died of contagious disease be brought to such city, or city and county, within one year after the day of death.

Nuisances,  
how abated.

SEC. 193. Whenever a nuisance shall exist on the property of any non-resident, or any property, the owner or owners of which cannot be found by either Health Inspector, after diligent search, or on the property of any owner or owners upon whom due notice may have been served, and who shall, for three days, refuse or neglect to abate the same, or any property belonging to such city, or city and county, it shall be the duty of the Board of Health to cause the said nuisance to be at once removed or abated, and to draw upon the General Fund in such sums as may be required for such removal or abatement, not to exceed two hundred dollars; *provided*, that whenever a larger expenditure is found necessary to be made in the removal or suppression of any nuisance, the Municipal Council of such city, or city and county, shall, upon the written application of the Board of Health, by ordinance, appropriate, allow, and order paid, out of the General Fund, such sum or sums as may be necessary for that purpose; *provided further*, that in all cases where such expenditure will exceed five hundred dollars, no appropriation shall be made for that purpose unless the City, or City and County, Attorney shall first give his opinion, in writing, that such expenditure would be a legal charge against the property affected thereby. And the Auditor shall audit and the Treasurer shall pay all appropriations of money made in pursuance of this section, in the same manner as is now provided by law for auditing and paying demands upon the treasury.

Fee book  
open to pub-  
lic inspec-  
tion.

SEC. 194. The Health Officer and the Quarantine Officer must each keep a book open to public inspection, in which must be entered daily all fees collected by them, and they must pay all fees collected to such City, or City and County, Treasurer, daily, to the credit of the General Fund.

Bond of  
Health  
Officer.

SEC. 195. The Health Officer must execute an official bond, with two sureties, to be approved by the Board of Health, in the sum of ten thousand dollars; and the Quarantine Officer must execute a like official bond, with two sureties, in the sum of ten thousand dollars; which bonds shall be filed with the Auditor of such city, or city and county.

Who may  
administer  
oaths.

SEC. 196. Any member of the Board of Health, the Health Officer, and the Quarantine Officer, and the Secretary of the Board of Health, is hereby authorized to administer oaths on business connected with the Health Department.

Suits, where  
maintained.

SEC. 197. Whenever any cause of action arises under any of the provisions of this chapter relating to the Health

Department, suit may be maintained thereon in the name of the Health or Quarantine Officer, as the case may be, in any Superior Court or Justice's Court of this State.

SEC. 198. Every physician in any such city, or city and county, shall report to the Health Officer, in writing, every patient he shall have laboring under Asiatic cholera, variola, diphtheria, scarlatina, or other contagious diseases, immediately thereafter, and report to the same officer every case of death from such disease. Duty of physicians in certain cases.

SEC. 199. Every householder in any such city, or city and county, shall forthwith report, in writing, to the Health Officer, the name of every person boarding, or an inmate of his or her house, whom he or she shall have reason to believe sick of cholera, or smallpox, and any deaths occurring at his or her house from such disease. Duty of householder in certain cases.

SEC. 200. There shall be a Board of Park Commissioners of such city, or city and county, consisting of three persons, to be appointed by the Governor of this State, who shall hold their office for four years, and who shall receive no compensation for their services. In case of a vacancy, the same shall be filled by the remaining members of the Board for the residue of the term then vacant; and all vacancies occasioned by expiration of terms of office, or neglect, or incapacity, shall be filled by the Governor aforesaid. Each of said Commissioners shall be a freeholder and resident of such city, or city and county. Said Board shall have full and exclusive control and management of all the parks of such city, or city and county, which at the time of the organization of such city, or city and county, under this Act, were treated and improved as public parks, with the avenues and great highways connected therewith. Two of said Commissioners shall constitute a quorum to do business, but no money shall be expended or contract entered into authorizing the expenditure of money, without the approval of the Mayor and a majority of said Board of Park Commissioners. Park Commissioners, how appointed and their duties.

SEC. 201. Said Board shall have power to govern, manage, and direct said parks and avenues leading thereto as have heretofore been operated or managed in connection therewith; to lay out, regulate, and improve such parks and avenues; to pass ordinances for the regulation and government of the same; to appoint one general superintendent, who shall perform the duties of overseer and managing gardener, who shall receive a salary of two thousand four hundred dollars per annum. The City, or City and County, Surveyor shall be ex officio engineer of the works, and shall perform such engineering work as the Commissioners may require of him. Prisoners over the age of twenty-one years, sentenced to hard labor in any of the jails, prisons, houses of correction, workhouses, or other penal establishments of such city, or city and county, may be put to work upon the parks. The Commissioners may employ such other laborers as shall be necessary, within the amount allowed by law to be expended on said parks, at wages not to exceed the current wages paid in such city, or city and county, for labor. They shall in no year incur any debt or deficit, nor expend any Powers.

money beyond the amount realized by the tax herein provided for. All persons violating any of the ordinances of the Commissioners regulating the parks, shall be deemed guilty of misdemeanor, and punished accordingly.

Taxes for  
park  
improve-  
ment, how  
levied.

SEC. 202. The Municipal Council shall have the power to levy and collect, in the mode prescribed by law for the levy and collection of taxes, each year, upon all property in such city, or city and county, the sum of one and one half cents upon each one hundred dollars valuation of taxable property therein, for the purpose of preserving and improving the parks and avenues under control and management of said Commissioners. Said money shall be paid into the treasury, and paid out for said purpose; all claims to be first allowed by said Commissioners and audited by the Auditor. The jurisdiction of the Park Commissioners shall not extend to unimproved parks, nor squares, and places not hitherto treated as parks, unless extended thereto by an ordinance of the Municipal Council. The Commissioners may lease, for terms not to exceed three years, any portion of said grounds not immediately required for improvement, the proceeds to go to the improvement of the parks and avenues.

Reports of  
Park Com-  
missioners.

SEC. 203. The Park Commissioners shall make semi-annual reports to the Mayor and Municipal Council of all their proceedings, and a detailed statement of all the receipts and expenditures.

Duties of  
Mayor and  
other officers  
in reference  
to contracts.

SEC. 204. The Mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to this end he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements. And it is the duty of any and every city, or city and county, officer, when it shall come to his knowledge that any contract with such city, or city and county, relating to the business of any office whatever, has been or is about to be violated by the other contracting party, forthwith to report the fact to the Mayor. A failure to do so shall be a sufficient cause for the removal of any officer of any department. The Mayor shall give a certificate, on demand, to any officer giving such information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty. The City, or City and County, Attorney shall prosecute all suits so ordered by the Mayor.

#### ARTICLE V.

##### JUDICIAL DEPARTMENT.

Number and  
jurisdiction  
of Justices.

SEC. 213. There shall be in and for such city, or city and county, one Justices' Court, composed of six Justices of the Peace, which shall have the powers and jurisdiction prescribed and conferred by law upon Justices of the Peace and Justices' Courts in such city, or city and county. All actions, suits, and proceedings whereof Justices of the Peace and Justices' Courts in such city, or city and county, have jurisdiction, shall be commenced, entitled, and prosecuted in said Court. Such Court shall be always open, non-judicial days excepted, and causes therein may be tried before the pre-

siding Justice, before any one of the Justices before whom the original process may be made returnable, or to whom the cause may be assigned or transferred for trial.

SEC. 214. The Board of Aldermen shall appoint one of the Justices of the Peace to be presiding Justice, who, as such, shall hold office until his successor shall in the same manner be appointed; and any one of the other Justices may attend, preside, and act as presiding Justice during the temporary absence or disability of the Justice so appointed. The Board of Aldermen, within ten days after its organization as such Board, shall appoint a Justices' Clerk, who shall hold office during the pleasure of the appointing power. The Clerk shall take the constitutional oath of office, and give bond, with at least two sufficient sureties, to be approved in the same manner as the official bond of other officers of such city, or city and county, in the sum of not less than fifteen thousand dollars, payable to the city, or city and county, conditioned for the faithful discharge of the duties of his office, and well and truly to account for and pay into the treasury of such city, or city and county, as required by law, all moneys by him collected or received, and by law designated for that use. A new or additional bond may be required by the Municipal Council whenever it deems it necessary; and on failure to furnish such new or additional bond within five days after it shall be required, the office shall become vacant. The Justices' Clerk shall have authority to administer oaths, and take and certify affidavits in any action, suit, or proceeding in all Courts in such city, or city and county, and to appoint two Deputy Clerks, for whose acts he shall be responsible on his official bond; the said Deputy Clerks to hold office during the pleasure of said Clerk. Said Deputy Clerks shall have the same power as the said Clerk, except that of appointment.

SEC. 215. The Municipal Council of such city, or city and county, shall provide, in some convenient locality in the city, or city and county, a suitable office, or suite of offices, for said presiding Justice, Justices' Clerk, Deputy Clerk, and Deputy Sheriff, and offices suitable for holding sessions of said Court, and separate from one another, for each of said Justices of the Peace, together with attendants, furniture, fuel, lights, and stationery, sufficient for the transaction of business; and if they are not provided, the Court may direct the Sheriff to provide the same, and the expenses incurred, certified by the Justices to be correct, shall be a charge against the city, or city and county, treasury, and paid out of the General Fund thereof. The said Justices, Justices' Clerk, and Deputy Clerk, shall be in attendance at their respective offices for the dispatch of official business daily, from the hour of nine o'clock A. M. until five o'clock P. M.

SEC. 216. All legal process of every kind in actions, suits, or proceedings in said Justices' Court, for the issue or service of which any fee is or may be allowed by law, shall be issued by the said Justices' Clerk, upon the order of the presiding Justice, or upon the order of one of the Justices of the Peace, acting as presiding Justice, as in this chapter

Fees.

provided; and the fees for issuance and service of all such process, and all other fees which are allowed by law for any official services of Justices, Justices' Clerk, or Sheriff, shall be exacted and paid in advance into the hands of said Clerk, and be by him daily, weekly, or monthly, as the Municipal Council may require, and before his salary shall be allowed, accounted for in detail, under oath, and paid into the treasury of such city, or city and county, as part of the Special Fee Fund thereof; *provided*, that such payment in advance shall not be exacted from parties who may prove, to the satisfaction of the presiding Justice, that they have good cause of action, and that they are not of sufficient pecuniary ability to pay the legal fees; and no judgment shall be rendered in any action before said Justices' Court, or any of said Justices, until the fees allowed therefor, and all fees for previous services therein, which are destined to be paid into the treasury, shall have been paid, except in cases of poor persons, as hereinbefore provided.

Sheriff and  
deputies for  
Justices'  
Courts.

SEC. 217. The Sheriff of such city and county shall be ex officio an officer of said Court, and it shall be his duty to serve or execute, or cause to be served and executed, each and every process, writ, or order that may be issued by said Justices' Court; *provided*, that a summons issued from said Court may be served and returned as provided in section eight hundred and forty-nine of the Code of Civil Procedure; and that subpoenas may be issued by the Justices' Clerk, and served as provided in sections nineteen hundred and eighty-seven and nineteen hundred and eighty-eight of the Code of Civil Procedure. The said Sheriff may appoint, in addition to the other deputies allowed by law, three deputies, whose duty it shall be to assist said Sheriff in serving and executing the process, writs, and orders of the said Justices' Court. Said deputies shall receive a salary of not to exceed one hundred and twenty-five dollars per month each, payable monthly, out of the city and county treasury, and out of the Special Fee Fund, after being first allowed and audited as other demands are by law required to be audited and allowed. One of said deputies shall remain in attendance during the sessions of said Court, and at such other times as the said Court or the presiding Justice thereof may order and direct, for the purpose of attending to such duties as may be imposed on said Sheriff or said deputies, as herein provided or required by law. The said Sheriff shall be liable on his official bond for the faithful performance of all duties required of him or any of his said deputies.

Style of  
action.

SEC. 218. All actions, suits, and proceedings in such city, or city and county, whereof Justices of the Peace or Justices' Courts have jurisdiction, except those cases of concurrent jurisdiction that may be commenced in some other Court, shall be entitled: "In the Justices' Court of the City of — (or the City and County of —)," (inserting the name of the city, or city and county), and commenced and prosecuted in said Justices' Court, which shall be always open. The original process shall be returnable, and the parties summoned required to appear before the presiding Justice, or

before one of the other Justices of the Peace, to be designated by the presiding Justice, at his office; but all complaints, answers, and other pleadings and papers required to be filed, shall be filed, and a record of all such actions, suits, and proceedings made and kept in the Clerk's office aforesaid; and the presiding Justice, and each of the other Justices, shall have power, jurisdiction, and authority to hear, try, and determine any action, suit, or proceeding so commenced, and which shall have been made returnable before him, or may be assigned or transferred to him, or any motion, application, or issue therein (subject to the constitutional right of trial by jury), and to make any necessary and proper orders therein. Jurisdiction.

SEC. 219. In case of sickness, or disability, or absence of a Justice of the Peace (on the return of a summons, or at the time appointed for trial), to whom a cause has been assigned, the presiding Justice shall reassign the cause to some other Justice, who shall proceed with the trial and disposition of said cause in the same manner as if originally assigned to him; and if, at any time before the trial of a cause or matter returnable or pending before any of said Justices, either party shall object to having the cause or matter tried before said Justice on the ground that such Justice is a material witness for either party, or on the ground of the interest, prejudice, or bias of such Justice, and such objection be made to appear in the manner prescribed by section eight hundred and thirty-three of the Code of Civil Procedure, the said Justice shall suspend proceedings, and the presiding Justice, on motion and production before him of the affidavit and proofs, shall order the transfer of the cause or matter for trial before some other Justice, to be designated by him. The presiding Justice may, in like manner, assign or transfer any contested motion, application, or issue in law, arising in any cause returnable or pending before him or any other Justice, to some other Justice, and the said Justice to whom any cause, matter, motion, application, or issue shall be so as aforesaid assigned or transferred, shall have power, jurisdiction, and authority to hear, try, and determine the same accordingly. In case of disability of Justice, cause to be tried before another Justice.

SEC. 220. Cases which, by the provisions of law, are required to be certified to the Superior Court, by reason of involving the question of title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, shall be so certified by the presiding Justice and Justices' Clerk; and for that purpose, if such question shall arise on the trial while the case is pending before one of the other Justices, such Justice shall certify the same to the presiding Justice. All abstracts and transcripts of judgments and proceedings in said Court, or in any of the dockets or registers of or deposited in said Court, shall be given and certified from any of such dockets or registers, and signed by the presiding Justice and Clerk, and shall have the same force and effect as abstracts and transcripts of Justices of the Peace in other cases. Appeals from judgments rendered in said Court shall be taken and perfected in the manner Certain cases to be certified to Superior Court by Presiding Justice, and Justices' Clerk.

Appeals.

prescribed by law, and the notice of appeal and all papers required to be filed to perfect it, shall be filed with the Justices' Clerk. Statements on appeal shall be settled by the Justice who tried the cause. Sureties on appeal, or on any bond or undertaking given in any cause or proceeding in said Court, when required to justify, may justify before any one of the Justices.

**Jurisdiction.** SEC. 221. The jurisdiction of the Justices' Court of such city, or city and county, extends to the limits of the city, or city and county, and its process may be served in any part thereof.

**Powers of Associate Justices.** SEC. 222. The presiding Justice, whenever in his judgment the prompt dispatch of business shall demand it, may require the aid of one of the Justices of the Peace in the discharge either of his own duties or those of the Justices' Clerk (the collection of fees, accounting for, and paying the same into the treasury excepted), and each of the Justices, when so required, shall, for the purpose, have the same power and authority as the presiding Justice or Clerk in whose aid he shall act; and any one of the Justices, when required as aforesaid, may act as a Justices' Clerk pro tempore during the temporary absence or disability of such Clerk, with the same powers, duties, and responsibilities.

**"Justices' Docket."** SEC. 223. In a suitable book, strongly bound, the Justices' Clerk shall keep a permanent record of all actions, proceedings, and judgments commenced, had, or rendered in said Justices' Court, which book shall be a public record, and be known as the "Justices' Docket," in which docket the Clerk shall make the same entries as are provided for in section nine hundred and eleven of the Code of Civil Procedure, and which said docket and entries therein shall have the same force and effect as is provided by law in reference to dockets of Justices of the Peace. To enable the Clerk to make up such docket, each of the Justices shall keep minutes of his proceedings in every cause returnable before, or assigned, or transferred to him for trial or hearing; and upon judgment, or other disposition of a cause, such Justice shall immediately certify and return the said minutes, together with all pleadings and papers in said cause, to the Clerk's office, who shall immediately thereupon file the same, and make the proper entries under the title of the action in the docket aforesaid.

**Procedure.** SEC. 224. The Justices' Court and the Justices of the Peace of every such city and county shall be governed in their proceedings by the provisions of law regulating proceedings before Justices of the Peace, so far as such provisions are not altered or modified in this chapter, and the same are or can be made applicable in the several cases arising before them. The Justices' Court of such city, or city and county, shall have power to make rules, not inconsistent with the Constitution and laws for the government of such Justices' Court and the officers thereof; but such rules shall not be in force until thirty days after their publication; and no rule shall be made imposing any tax or charge on any legal proceed-

ing, or giving any allowance to any Justice or officer for services.

SEC. 225. All actions and proceedings pending and undetermined before the Justices' Court of such city, or city and county, if any, at the time of its organization under this Act, shall be proceeded in, heard, and determined before the Court herein provided for, and execution shall be issued thereon, and other proceedings had therein, whether before or after judgment, whether on appeal or otherwise; and the Court provided for under this Act shall be deemed to be a continuation of the same Court before existing, and not a new Court.

New Justices' Court a continuation of old.

SEC. 226. It shall not be lawful for any Justice of the Peace, the Justices' Clerk, or the Sheriff, or any of his deputies, of such city, or city and county, to appear or advocate, or in any manner act as attorney, counsel, or agent for any party or person in any cause, or in relation to any demand, account, or claim pending, or to be sued or prosecuted before said Justices, or any of them, or which may be within their jurisdiction. A violation of the provisions of this section shall be deemed a misdemeanor in office.

Prohibition to practice by Justices.

SEC. 227. No person, other than an attorney at law, duly admitted and licensed to practice in Courts of record, shall be permitted to appear as attorney or agent for any party in any cause or proceeding before said Justices, or any of them, unless he produce a sufficient power of attorney to that effect, duly executed and acknowledged before one of said Justices, or before some other officer authorized by law to take acknowledgment of deeds; which power of attorney, or a true copy thereof, duly certified by one of the Justices aforesaid (who, on inspection of the original, shall attest to its genuineness), shall be filed among the papers in such cause or proceeding.

Qualifications of attorneys.

SEC. 228. If, at the time of the organization of any such city, or city and county, under this Act, there shall not be the complement of Justices of the Peace provided for in this chapter, the Municipal Council of such city, or city and county, shall appoint a suitable person or persons to fill such complement, and the person or persons so appointed shall hold office from his or their appointment, and until his or their successor or successors is or are elected or appointed and qualified.

Appointment of additional Justices.

SEC. 229. The judicial power of such city, or city and county, shall be vested in a "Police Court," to be held therein by the Police Judges. The Police Court shall not be a Court of record. Said Court shall have a seal. The Judges of said Court may hold as many sessions of said Court at the same time as there are Judges thereof. There shall be two departments of said Court, denominated respectively, Department One and Department Two. The Court may sit in Departments, and shall be always open for the transaction of business. There shall be, as far as practicable, an equal distribution of cases between the said Departments, which cases shall be alternately set down for trial to each Department, in the order in which the warrants are issued

Police Court.

or proceedings brought before the Court. Said Judges shall, as soon as may be after the commencement of the terms of their office, classify themselves by lot for assignment to said Departments, and shall be thereby assigned accordingly.

Power and  
jurisdiction  
of Police  
Court.

SEC. 230. All the power and jurisdiction of said Court shall be enjoyed and may be exercised in Bank, or in either Department thereof. All the powers of said Judges may be exercised by either of them.

Same.

SEC. 231. The Police Court of such city, or city and county, shall have jurisdiction:

*First*—Of an action or proceeding for the violation of any ordinance of such city, or city and county.

*Second*—Of proceedings respecting vagrants and disorderly persons.

Same.

SEC. 232. The Police Court shall have jurisdiction of the following public offenses committed in such city, or city and county:

*First*—Petit larceny; receiving stolen property, when the amount involved does not exceed fifty dollars.

*Second*—Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties or with intent to kill.

*Third*—Breaches of the peace, riots, affrays, committing willful injury to property, and of all misdemeanors punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

*Fourth*—Said Court or Judges shall have jurisdiction of proceedings for security to keep the peace; and also, throughout such city and county, the same powers and jurisdiction in other criminal actions, cases, prosecutions, and proceedings as are now or hereafter may be conferred by law upon Police or Justices' Courts.

Power to  
hold exam-  
inations.

SEC. 233. The Judges of said Court shall have power to hear cases for examination, and may commit and hold the offender to bail for trial in the Superior Court, and may try, condemn, or acquit, and carry their judgment into execution, as the case may require, according to law, and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of their power and jurisdiction.

May commit  
to Home of  
Inebriate.

SEC. 234. Said Court or Judges shall also have power to commit to the Home for the Care of the Inebriate, when any such institute may be established, any person who may be convicted before them of habitual intemperance, for a term not exceeding six months, or until sooner released by order of the Police Judges, or by the Board of Managers of such institution by a two-thirds vote of all the members of said Board.

When may  
commit to  
Industrial  
School.

SEC. 235. The said Court or Judges shall have the power to commit all offenders duly convicted, under eighteen years of age, to the Industrial School of said city and county, in all cases where such commitment shall by said Court or Judge be deemed to be more suitable than the punishment otherwise provided by law, not to exceed six months. If,

upon any trial, it shall appear that the person on trial is under fourteen years of age, and has done an act, which if done by a person of full age would warrant a conviction of the crime of misdemeanor charged, then and in that case said Court or Judges shall have power to commit such child to the Industrial School. In either case said Court or Judges may sentence such person to be confined in the correctional department of said Industrial School for any term not exceeding six months. Upon application of the Mayor, or any member of the Supervisors, or of any three citizens, charging that any child under eighteen years of age lives an idle or dissolute life, and that his parents are dead, or, if living, do from drunkenness or other vices or causes, neglect to provide any suitable employment, or exercise salutary control over such child, the said Court or Judges shall have power to examine the matter, and upon being satisfied of the truth of such charges, may sentence such child to the Industrial School; *provided*, that no person shall be so sentenced for a longer period than until he arrive at the age of eighteen years.

SEC. 236. In cases where, for any offense, the said Court is or Judges are authorized to impose a fine, or imprisonment in the county jail, or both, it or they may instead sentence the offender to be employed at labor on the public works, or in the House of Correction, or workhouse, as the Supervisors may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed, and may, in case a fine is imposed, embrace as a part of the sentence, that in default of payment thereof, the offender shall be obliged to labor on said works, at said House of Correction, or workhouse, or elsewhere, at the rate of one dollar a day, till the fine imposed is satisfied; *provided*, that no person under the age of twenty-one years, or who is to be sentenced, on conviction for drunkenness or breach of the peace, shall be sentenced to labor upon the public works away from the House of Correction or workhouse.

May sentence to labor on public works, etc.

SEC. 237. The said Court and Judges may punish contempts in the same manner and to the same extent as Superior Courts, and the laws concerning contempts applicable to Superior Courts shall be applicable to said Police Court and Judges.

Punishment of contempt.

SEC. 238. The County Clerk shall keep a record of the proceedings of the Police Court, issue all process ordered by said Court, and shall render to the Auditor, monthly and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected, as Clerk of said Court, since his last account rendered. He shall prepare bonds, justify and accept bail, when the amount has been fixed by the Police Judges, in cases not exceeding one thousand dollars, and he shall fix, justify, and accept bail after arrest, in the absence of the Police Judges, in all cases not amounting to a felony, in the same manner and with the like effect as if the same had been fixed by the Police Judges or Police Court. The County Clerk shall appoint three deputy clerks, who shall act as deputy clerks of said Police

Record to be kept by County Clerk.

Court. The Clerk and the deputy clerks, in this section mentioned, shall have authority to administer oaths and affirmations, and take and certify affidavits in any proceeding in said Police Court, in and for said city and county, and to issue subpoenas.

**Office hours.** SEC. 239. The Police Judges and the deputy clerks shall attend at the Court-rooms of said Court for the dispatch of business daily, from the hour of nine o'clock A. M. until five o'clock P. M., and during such other reasonable hours as may be necessary for the discharge of their respective duties, except on legal holidays.

**Payment of fines by Clerk into treasury.** SEC. 240. The County Clerk, as Clerk of the Police Court, shall pay to the Treasurer of said city and county, immediately, all fines collected and bail forfeited, accompanied by a verified written statement showing from whom each fine was collected, when collected, in what case, specifying the offense, and in what amount, and in what case, and by whom such bail was forfeited. He shall, immediately upon the forfeiting of any bail bond in the Police Court, transmit to the District Attorney a copy of such bail bond, duly certified by him under the seal of that Court to be a true copy, stating in such certificate the fact of such forfeiture, and the date thereof.

**Justices of the Peace may preside in Police Court.** SEC. 241. Any Justice of the Peace of the said city and county who may be designated, in writing, by the Mayor for the purpose, shall have power to preside in and hold the Police Court of said city and county, or any department thereof, in the event of the temporary absence of the Police Judges, or either of them, or of their inability to act from any cause; and during such temporary absence or disability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction, and authority which are or may be by law conferred upon said Court or Judges.

**Duty of Assistant District Attorney.** SEC. 242. It shall be the duty of the Assistant District Attorneys acting in the Police Court, or either and each of them, whenever they shall have been credibly informed that any person criminally injured by another is likely to die, to take the dying statement of such person, and to immediately reduce the same to writing. It is also hereby made the duty of attending physicians, and others knowing of such cases, to report the same immediately to such Assistant District Attorneys.

**Attorney before Police Court.** SEC. 243. No person shall be permitted to act as attorney or counsel before the Police Court or the Police Judges, unless he shall be an attorney and counselor admitted to practice in the Supreme Court of this State.

**Bailiffs for Court.** SEC. 244. The Chief of Police shall designate two or more policemen, who shall attend constantly upon the Police Court, act as bailiffs therein, and execute the orders and process of said Court and the Judges thereof.

**Abolition of Courts and transfer of records.** SEC. 245. The Police Judge's Court and the Police Judge's Court Number Two of said city and county, and the offices of the Judges thereof, shall be abolished at twelve o'clock noon, of the first Monday after the first day of January, in the year eighteen hundred and eighty-five, and at that time all records,

registers, dockets, books, papers, actions, warrants, judgments, and proceedings lodged, deposited, or pending before the said last mentioned Courts, or the Judges thereof, shall be by force hereof transferred to said Police Court, which Police Court and the Police Judges herein provided for shall have the same power and jurisdiction over them as if they had been in the first instance lodged, deposited, or commenced in said Police Court, or before the Judges last aforesaid; but nothing herein contained shall affect any judgment rendered or proceeding had before that time in said Police Judge's Court or said Police Judge's Court Number Two, or before the Judges thereof, or either of them.

SEC. 246. There shall be appointed by the Judges of the Superior Court of such city and county five competent persons deputies to act as interpreters and translators of the following languages: French, German, Italian, Spanish, Portuguese, Chinese, and Selavonian. The said deputies shall each receive a salary of one thousand two hundred dollars per annum, which shall be paid in the same manner as the salaries of other officers are paid. It shall be the duty of each of said deputies to attend in all the Courts in and for such city and county, when required by any of the Judges thereof, without further compensation than the salaries above provided.

Interpreters.

ARTICLE VI.

EDUCATIONAL DEPARTMENT.

SEC. 247. There shall be a Board of Education for such city, or city and county, which shall be composed of twelve School Directors, elected as provided in this chapter, who shall hold office for two years, and until their successors are elected and qualified. They shall have the same qualifications as to eligibility requisite for members of the Board of Aldermen. Said Board shall organize immediately after the election and qualification of its members, by electing a President from among the Directors elected, and annually thereafter, and shall hold meetings monthly, and at such times as the Board shall determine. A majority of all the members elected shall constitute a quorum to transact business, but a smaller number may adjourn from time to time. The Board may determine the rules of its proceedings. Its sessions shall be public, and its record shall be open to public inspection.

Boards of Education.

SEC. 248. There shall be elected by the qualified voters of such city and county, at the general State election, a Superintendent of Schools, who shall take office on the first Monday after the first day of January next following his election, and hold office for the term of four years, and until his successor is elected and qualified. He shall perform such duties as are prescribed by law.

Superintendent of Schools.

SEC. 249. The Board of Education shall have power :

*First*—To establish school districts, and to fix and alter the boundaries thereof.

Powers of Board.  
Establish districts.

*Second*—To maintain public schools as organized at the time of the organization of such city, or city and county,

Maintain schools.

under this Act, and to consolidate and discontinue the same as the public good may require.

*Third*—To establish high, normal, and experimental schools for the education of teachers.

*Fourth*—To employ and pay and to dismiss teachers, janitors, School Census Marshals, and such mechanics and laborers, and such other persons as may be necessary to carry into effect the powers and duties of the Board, and, unless otherwise provided by law, to fix, alter, and allow paid their salaries and compensations, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

*Fifth*—Also to make and establish and enforce all necessary and proper rules and regulations for the government and efficiency of the schools, teachers, and pupils, and for the carrying into effect of the school system; and to establish and regulate, and grade the schools, the course of studies and mode of instruction therein; to investigate all charges of misconduct on the part of teachers and other employés of the Board; to administer oaths and take testimony; to summon and enforce the attendance of and examine witnesses for such purpose before the Board, or a member or committee thereof. Any person summoned and refusing to attend and testify, shall be deemed guilty of a misdemeanor; and any person testifying falsely shall be guilty of perjury, and on conviction punished accordingly.

*Sixth*—To provide for the School Department of such city, or city and county, fuel, lights, blanks, blank books, books, printing, and stationery, and such other articles, materials, or supplies as may be necessary and appropriate for use in the schools, or in the office of the Superintendent.

*Seventh*—To build, alter, repair, rent, and provide school houses, and furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property, and to use and control such buildings as may be necessary for the uses of the Board and its committees.

*Eighth*—To receive, purchase, lease, and hold in fee, in trust for such city, or city and county, any and all real estate and personal property that may have been or which hereafter may be acquired for the use and benefit of the schools of such city, or city and county.

*Ninth*—To grade, fence, and improve school lots, and in front thereof.

*Tenth*—To sue for any and all lots, lands, and property belonging to or claimed by the School Department of such city, or city and county, and to prosecute and defend all actions at law, or in equity, necessary to recover the full enjoyment and possession of said lots, lands, and property, and to require the services of the City or City and County Attorney in all such suits and proceedings.

*Eleventh*—To establish regulations for the just and equal disbursement of all moneys belonging to the School Department, or to the Public School Fund, and to make rules and regulations to secure economy and accountability in the expenditure of school money.

Establish  
high schools.

Employ and  
dismiss  
teachers, etc.

Make and  
establish  
rules, etc.

Provide fuel,  
stationery,  
etc.

Provide  
school  
houses.

To purchase  
school lots.

Grade school  
lots.

To sue and  
be sued.

To superin-  
tend dis-  
bursement  
of school  
moneys.

*Twelfth*—To discharge all legal incumbrances existing upon any school property; to dispose of and sell such personal property used in the schools as shall no longer be required, and all moneys realized by such sales shall be paid into the city treasury to the credit of the Public School Fund. To sell certain personal property.

*Thirteenth*—To lease, for the benefit of the Public School Fund, for a term not exceeding five years, any unoccupied property of the School Department not required for school purposes; to prohibit any child under six years of age from attending the schools; and generally to do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred on said Board. To lease lots, etc.

SEC. 250. The President of the Board of Education, the Superintendent, and the Secretary, shall have power to administer oaths or affirmations concerning any demands upon the treasury, payable out of the Public School Fund, or other matters relating to their official duties, or the School Department. Who may administer oaths.

SEC. 251. It shall be the duty of each Director to make quarterly reports to the Board of the condition of the schools in their respective districts. Reports.

SEC. 252. It shall be the duty of the Board of Education to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, building, repairs, merchandise, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred is likely to exceed two hundred dollars, shall be done by contract, let to the lowest responsible bidder, after advertisement by the Superintendent of Schools; and the contract shall be entered into by the Superintendent with the party to whom the contract is awarded; and the Superintendent shall take care that such contract is carried out in strict accordance with the terms thereof. Supplies, how furnished.

SEC. 253. All bids or proposals made under the preceding section shall be delivered to the Superintendent of Schools, and said Board shall, in open session, open, examine, and publicly declare the same, and award the contract to the lowest responsible bidder; *provided*, said Board may reject any and all bids, should they deem it for the public good, and also the bid of any party who may be proved delinquent or unfaithful in any former contract with such city and county, or said Board, and cause a republication of the notice for proposals, as above specified. Any person may bid for any one article. Bids and contracts, how made and awarded.

SEC. 254. Any School Director, officer, or other person officially connected with the School Department, or drawing a salary from the Board of Education, who shall, while in office, or so connected, or drawing salary, be interested, either directly or indirectly, in, or who shall gain any benefit or advantage from any contract, payments under which are to be made in whole or in part of the moneys derived from the School Fund, or raised by taxation or otherwise for the support of the public schools, shall be deemed guilty of felony, and, on conviction, punished accordingly; and this Not to be interested in contract.

provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to and with other penalties and disabilities as to such acts and offenses.

Annual  
report.

SEC. 255. The Board shall make and transmit, between the fifteenth day of January and the first day of February of each year, to the State Superintendent of Public Instruction, and to the Mayor and Municipal Council of such city, or city and county, a report, in writing, stating the whole number of public schools within the jurisdiction, the length of time they have been kept open, the number of pupils taught in each school, the whole amount of money drawn from the treasury by the department during the year, distinguishing the amounts drawn from the General Fund of the State from all other, and from what sources, and the manner and purpose in which such money has been expended, with particulars, and such other information as may be required from them by the State Superintendent, the Municipal Council, or the Mayor.

Evening  
school.

SEC. 256. The Board shall provide evening schools, to be held in the public school houses, for the benefit of those unable to attend the day schools. They shall make and enforce regulations requiring the teachers to keep records of the names, ages, and residences of all pupils, and the names and residences of their parents, and the aggregate attendance of each pupil during the year, and to verify and report the same on the thirty-first day of December to the Board; and such other rules and regulations for the purpose of ascertaining the attendance and efficiency of the department and progress of education.

Sup't a  
member of  
the Board.  
Clerk.

SEC. 257. The Superintendent of Schools shall be ex officio member of the Board of Education, without the right to vote.

SEC. 258. Said Superintendent shall appoint a Clerk, subject to the approval of the Board of Education, who shall act as Secretary of said Board. His salary shall be two hundred dollars a month. Said Clerk may be removed at the pleasure of the Superintendent, and shall perform such duties as shall be required of him by the Board or the Superintendent.

Report of  
Superin-  
tendent.

SEC. 259. The Superintendent shall report to the Board annually, on or before the first day of August, and at such other time as the Board may require, all matters pertaining to the expenditures, income, condition, and progress of the public schools of such city, or city and county, during the preceding fiscal year, with such recommendations as he may deem proper. He shall observe, and cause to be observed, such general rules for the regulation, government, and instruction of the schools, not inconsistent with the laws of the State, as may be established by the Board. He shall attend the sessions of the Board, and inform himself, at each session, of the condition of the schools, school houses, school funds, and other matters connected therewith, and to recommend such measures as he may deem necessary for the advancement of education in such city, or city and county. He shall acquaint himself with all the laws, rules, and regulations governing the public schools in such city, or city

and county, and the judicial decisions thereon, and give advice on subjects connected with the public schools gratuitously to officers, teachers, pupils, and their parents and guardians.

SEC. 260. The Superintendent of Schools shall visit and examine the schools, and see that they are efficiently conducted, and that the laws and regulations of the Board are enforced in all things, and that no religious or sectarian books or teachings are allowed in the schools, and to report monthly to the Board. He shall also report to the State Superintendent at such times as such officer shall require. Shall visit schools.

SEC. 261. Any vacancy in the office of School Director shall be filled for the remainder of the term by a person to be appointed by the Board of Aldermen. Vacancy, how filled.

SEC. 262. In case of a vacancy in the office of Superintendent, the Board of Aldermen may appoint a person to fill the vacancy until the next regular election, when the office shall be filled by the people. Vacancy in office of Superintendent, how filled.

SEC. 263. The School Fund of such city, or city and county, shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the Municipal Council of such city, or city and county, for school purposes; of all moneys arising from sale, rent, or exchange of any school property, and of such other moneys as may, from any source whatever, be paid into said School Fund. Said fund shall be kept in the city, or city and county, treasury, separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this chapter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing any school moneys; and if, at the end of any fiscal year, any surplus remains in the School Fund, such surplus money shall be carried forward to the School Fund of the next fiscal year, and shall not be, for any purpose whatever, diverted or drawn from said fund, except under the provisions of this chapter. School Fund.

SEC. 264. The said School Fund shall be used and applied by said Board of Education for the following purposes, to wit: School Fund, how used.

*First*—For the payment of the salaries or wages of teachers, janitors, School Census Marshals, and other persons who may be employed by said Board.

*Second*—For the erection, alteration, repair, rent, and furnishing of school houses.

*Third*—For the expenses of high, normal, and experimental schools.

*Fourth*—For the purchase money or rent of any real or personal property purchased or hired by the Board.

*Fifth*—For the insurance of all school property.

*Seventh*—For the discharge of all legal incumbrances now or hereafter existing on any school property.

*Eighth*—For lighting school rooms, and the office and rooms of the Superintendent and the Board of Education.

*Ninth*—For supplying the schools with fuel, water, appa-

ratus, blanks, blank books, and necessary school appliances, together with books for indigent children.

*Tenth*—For supplying books, printing, and stationery, for the use of the Superintendent and Board of Education, and for the incidental expenses of the Board and department.

*Eleventh*—In grading, fencing, and improving school lots.

Claims, how  
allowed.

SEC. 265. All claims payable out of the School Fund (excepting coupons for interest on school bonds), shall be filed with the Secretary of the Board, and after they shall have been approved by a majority of all the members elect of the Board, upon a call of "yeas" and "nays" (which shall be recorded), they shall be signed by the President of the Board and the Superintendent of the Public Schools, and be sent to the City and County Auditor. Every demand shall have indorsed upon it a certificate of its approval by the Board, showing the date thereof, and the law authorizing it, by title, date, and section. All demands for teachers' salaries shall be payable monthly.

Demands on  
School Fund.

SEC. 266. Demands on the School Fund may be audited and approved in the usual manner, although there shall not, at the time, be money in the treasury for the payment of the same; *provided*, that no demand on said fund shall be paid out of or become a charge against the School Fund of any subsequent fiscal year; *and further provided*, that the entire expenditures of the said school department, for all purposes, shall not, in any fiscal year, exceed the revenues thereof for the same year.

Auditor to  
designate  
fund.

SEC. 267. The City, or City and County, Auditor shall state, by indorsement upon any claim or demand audited on the School Fund, the particular money or fund out of which the same is payable, and that it is payable from no other source.

Audited bills  
receivable  
for taxes.

SEC. 268. Audited bills for the current fiscal year for wages or salaries of the teachers in the public schools shall be receivable for school taxes due upon real estate.

All demands  
shall be  
audited and  
paid in the  
usual man-  
ner.

SEC. 269. All lawful demands authorized by this chapter for school purposes, shall be audited and approved in the usual manner, and the Auditor and Treasurer of such city, or city and county, are respectively authorized to audit and pay the same, when so ordered paid and approved by the said Board; *provided*, that the said Board shall not have the power to contract any debt or liability, in any form whatsoever, against such city, or city and county, in contravention of this chapter; *and provided further*, that the allowance or approval by the Board of demands not authorized by this chapter shall be no warrant or authority to the Auditor or Treasurer to audit or pay the same.

Board of  
Education  
to make  
estimate.

SEC. 270. It shall be the duty of the Board of Education of such city, or city and county, on or before the second Monday of September of each year, to report to the Municipal Council an estimate of the amount of money which will be required during the year for the purpose of meeting the current annual expenses of public instruction in such city, or city and county, specifying the amount required for supplies furnished pupils, for purchasing and procuring sites, for leasing rooms or erecting buildings, and for furnishing,

fitting up, altering, enlarging, and repairing buildings; for the support of schools organized since the last annual apportionment; for salary of teachers, janitors, clerks, and other employés, and other expenditures authorized by law; but the aggregate amount so reported shall not exceed the sum of thirty-five dollars for each pupil who shall have actually attended and been taught in the preceding year in the schools entitled to participate in the apportionments. The number of pupils who shall be considered as having attended the schools during any one year, shall be ascertained by adding together the number of days' attendance of all the pupils in the common schools during the year, and dividing the same by the number of school days in the year. Said Municipal Council is authorized and empowered to levy and cause to be collected, at the time and in the manner of levying State and other city, or city and county, taxes, the amount of tax, not to exceed thirty-five dollars per pupil, determined and reported by the Board of Education. The amount so levied and collected shall not include the amount received annually from poll taxes.

SEC. 271. No school shall receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect are taught, inculcated, or practiced, or in which any book or books, containing compositions favorable or prejudicial to the particular doctrines or tenets of any particular Christian or other religious sect, is used; nor shall any such books or teachings be permitted in the common schools.

No sectarian school shall receive school money.

SEC. 272. No member of the Board of Education shall ever become the disbursing agent of such Board, or handle or pay out any of its money under or upon any pretense whatever. Any violation of this provision shall be a misdemeanor, and shall subject the offender, besides the punishment, to removal from office. Any member or officer of the Board of Education who shall, while in office, accept any donation or gratuity in money, or of any valuable thing, either directly or indirectly, from any teacher, or candidate, or applicant for a position as teacher, upon any pretense whatever, shall be deemed guilty of a misdemeanor in office, and shall be ousted by the Board, or by any Court of competent jurisdiction, from his seat, on proof thereof. Any member or officer of the Board of Education who shall accept any money, or valuable thing, or the promise thereof, with an agreement or understanding, express or implied, that any person shall, in consideration thereof, get the vote or influence of such member or officer for a situation as a teacher or employé of any kind in the school department, shall be deemed guilty of a felony, and on conviction, shall be punished accordingly.

No member of Board shall disburse school money, or accept gift.

Penalty.

## ARTICLE VII.

### MISCELLANEOUS PROVISIONS.

SEC. 286. All the existing provisions of law defining the duties of county officers, excepting those relating to Supervisors and Boards of Supervisors, so far as the same are not

Laws which do not conflict with this Act are continued in force.

Payment of indebtedness.

Where provisions of this chapter shall apply.

Duty of Municipal Council in the levy of taxes.

inconsistent with, repealed, or altered by the provisions of this chapter, shall be considered as applicable to officers of any consolidated cities and counties, acting or elected under this chapter. Provisions shall be made from the revenues of any city, or city and county, heretofore existing and reorganized under this Act, for the payment of the legal indebtedness of the municipal incorporation to which such reorganized city, or city and county, shall succeed, or of which it is a reorganization, as well as for that of such city, or city and county, after its organization, and all funding Acts and other laws providing for the payments of principal and interest on any funded debt of such former corporation shall remain in force. The taxes which may be levied and collected in such city, or city and county, shall be uniform throughout the same.

SEC. 287. The provisions of this chapter concerning the following named officers, to wit: Sheriff, County Clerk, Recorder, Coroner, and Public Administrator, shall apply only to consolidated cities and counties. The provisions of this chapter relating to the District Attorney shall, except in consolidated cities and counties, be deemed to apply to the City Attorney; and no Sheriff, County Clerk, Recorder, District Attorney, Coroner, or Public Administrator shall be elected in any municipal corporation under the provisions of this chapter, except in consolidated cities and counties.

SEC. 288. The Municipal Council of any such consolidated city and county shall perform such duties in and about the levy and equalization of State and county taxes, and all other matters and things as are or may be prescribed by law for Boards of Supervisors of counties in like cases, and not inconsistent with the provisions of this chapter.

CHAPTER III.

MUNICIPAL CORPORATIONS OF THE SECOND CLASS.

(A charter for cities having a population of more than 30,000 and not exceeding 100,000.)

ARTICLE I.

GENERAL POWERS.

Powers of municipal corporations of the second class.

SEC. 300. Every municipal corporation of the second class shall be entitled the City of —— (naming it), and by such name shall have perpetual succession, may sue, be sued, in all Courts and places, and in all proceedings whatever shall have and use a common seal, alterable at the pleasure of the city authorities, and may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of the same for the common benefit; *provided*, that it shall purchase without the city no property except such as shall be deemed necessary for establishing hospitals, prisons, cemeteries, and industrial schools.